THE ACTS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

WITH

A GLOSSARY; AN ANALYTICAL ABSTRACT PREFIXED TO EACH ACT; AND COPIOUS INDEXES.

1837-44.

BY

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TO THE

HONORABLE CHARLES HAY CAMERON,

NOW

A MEMBER OF THE COUNCIL OF INDIA

AND

A MEMBER OF THE INDIA LAW COMMISSION FROM ITS FIRST APPOINTMENT,

THIS FIRST COMPLETE COLLECTION OF THE ACTS OF THE LEGISLATIVE COUNCIL IS DEDICATED, IN THE FULL PERSUASION THAT TO HIS ENLIGHTENED PRINCIPLES THE PUBLIC OF INDIA IS, IN A VERY CONSIDERABLE DEGREE, INDEBTED FOR THE PROGRESS ALREADY MADE IN LEGISLATION, AND THAT HIS CONTINUED INFLUENCE IS THE BEST GUARANTEE FOR YET FURTHER ADVANCES IN THE COURSE OF IMPROVEMENT.

PREFACE.

The present volume contains the whole of the Legislative Acts which have been passed by the Governor General of India in Council, since the last Charter Act, (3 and 4 W. 4 C. 85) prior to which, each Presidency had its distinct body of laws, called, not as the present, Acts, but Regulations. It was my intention originally to have appended notes to them, but on making the attempt I found it required a much greater knowledge of the Regulations than I had, or could acquire, without applying much more time and labour than I could conveniently bestow upon them.

I have not, however, given up the plan; on the contrary, I am studying the Regulations, in the hope of carrying it out, either by the publication of a supplemental tract, or in a second edition. Notwithstanding this omission, I am not without hope that the present volume will be acceptable, on account of its cheap price compared with the Government Edition, as well as its Abstracts and Indexes, which will save the reader much trouble.

This would not be the proper place for particular, or even much general criticism: but I cannot dismiss this volume without expressing the opinion, that very great progress has been made in Indian legislation, and I believe it only just to add, though perhaps it is not the prevailing opinion, that this progress is owing to the India Law Commission, in whose reports there still remains a great body of yet unwrought and valuable materials; and how the still farther advances, so much to be desired, are to be made, if that Commission is allowed to expire, is to me inconceivable. I should almost say, looking at the constitution of the Council (S. 40.) and at S. 53, which declares the great objects of legislation, many of which have scarcely been attempted, that the faith of Parliament requires the continuance or revival of the Commission: what has been done, though much for India, is still a mere fraction compared with what remains and ought to be done.

In a note to the Wills Act, I have referred to an Appendix of cases, which I have not made, in consequence of the deviation from the original plan for the reasons above stated.

The purchasers of this work will be entitled to have at the end of this year, and probably of future years until a new edition is published, supplementary parts containing the subsequent Acts, at a small addition of price to the present volume.

Calcutta,
September 17*th*, 1844.

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GLOSSARY. (a)

Anna. A small copper coin, the sixteenth part of a Rupee, equal to 1½*d* English.

Bhang. The larger leaves and capsules of the hemp plant, used chiefly for making an intoxicating drink.

Abkar. A dealer in spirituous liquors.

Abkarree. The Government revenue by the sale of spirituous liquors.

Adawlut. A Court of Justice, *e.g.* Sudder Adawlut, the Supreme or Chief Court of Justice. Fouzdaree Adawlut, Criminal Court. Nizamut Adawlut, the Court of the Nizam.

This word is also spelt in the Madras Presidency, "Udalut."

Ameen. A native civil functionary variously employed in the civil departments. Sudder Ameen and Principal Sudder Ameen are subordinate native civil judges.

Boitakhanna. The dwelling house of the male part of the family.

Banghy. A travelling box: also the public parcel mail.

Bazar. A constant and established market, in contradistinction to *haut*, an occasional one.

Bungalow. A dwelling with a thatched roof.

Butwarra. A partition.

Bysach. The Hindoo name of the first month of the year.

Canoongoe. A financial accountant and land registrar.

Catamaràn. A species of boat used on the Madras coast.

Cutcherry. A public office or court, contradistinguished from a private dwelling-house.

Chokee. A station of police or customs.

Chowkeedàr. A watchman.

Chuprass. A badge.

(*a*) I present this Glossary with some diffidence from the diversity of meanings which I have found attached to some of the words included in it.

Tahsildar, also spelt *Tihsildar*, *Tuhsildar*. A Collector.

Thannah. A police station.

Thuggee. Highway robbery and murder by strangulation or poison.

Tola. A small weight.

Tuccavy. An advance to the ryot to enable him to carry on the cultivation.

Vakeel. An attorney or judicial agent.

Zemindar. The chief holder of lands under Government.

Zemindaree. Lands held by a Zemindar.

Zenana. The seraglio or female apartments.

Zillah. A district comprising several purgunnas.

THE STATUTES OR ACTS OF THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

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GOVERNOR GENERAL.

ACT No. I. OF 1834.

[*Passed on the 20th November,* 1834.

All Acts of Governor General and Vice President, &c., between 22nd April 1834 *and* 14*th November* 1834, *valid.*

Be it enacted, that all Acts done by the Governor-General of India in Council, or by the Vice President of Fort William in Bengal in Council, or in pursuance of any authority given by the said Governor-General in Council, or by the said Vice President in Council, between the 22nd of April, 1834, and the 14th of November, 1834, shall be valid and effectual to all intents and purposes, as if the said Acts had been done before the said 22nd day of April, 1834.

A retrospective Act, of temporary operation, legalizing certain Acts done by the Governor-General, &c. between the 22nd April 1834, and the 14th of November of the same year.

CORRECTION OF MISNOMER.

ACT No. II. OF 1834.

[*Passed on the 20th November,* 1834.

Authorizes the Secretaries to the Government of India, Fort William, Fort St. George, and Bombay, to exercise powers given by Act of Parliament to the Chief Secretaries.

Be it enacted, that each of the Secretaries to the Government of India, and to the Government of Fort William in Bengal, shall

be competent to perform all the duties, and to exercise all the powers, which by any Act of Parliament or any Regulation now in force, are assigned to the Chief Secretary to the Government of Fort William in Bengal, and that each of the Secretaries to the Government of Fort St. George and Bombay respectively, shall be competent to perform all the duties, and to exercise all the powers, which by any Act of Parliament, or any Regulation now in force, are assigned to the Chief Secretaries to the Governments of Fort St. George and Bombay respectively.

This Act merely corrects a misnomer, the Secretaries of the Indian Government being described in certain Acts of Parliament as Chief Secretaries, which is not the proper official designation.

GOVERNOR OF MADRAS.

ACT No. I. OF 1835.

[*Passed on the 7th January,* 1835.

All Officers attached to the Madras Presidency to obey the orders of the Governor, which are to be as valid as orders of the Governor in Council.

Be it enacted, that from the day on which the Governor of the Presidency of Fort St. George shall next enter within the limits of the said Presidency till three months shall have elapsed, or till the said Governor shall arrive at the said Presidency, whichever shall first happen; all Officers, Civil and Military, attached to the said Presidency, shall obey such orders as they may receive from the said Governor, and that the orders of the said Governor shall be as valid an authority for any Act done by such Officers as the orders of the said Governor in his Council would be.

A temporary Act, passed on the occasion of the Governor of the Presidency of Madras leaving the city of Madras, the seat of Council. Its object, to make the orders of the Governor, for the period mentioned, as valid as orders of the Governor in Council.

ASSAM, ARRACAN, AND TENASSERIM.

ACT No. II. OF 1835.

[*Passed on the* 12*th January,* 1835.

Assam, Arracan, and Tenasserim to be under the control of the Sudder Dewanny Adawlut and Nizamut Adawlut, subject to instructions from the Bengal Government.

Be it enacted, that the functionaries who are or may be appointed in the provinces of Assam, Arracan and Tenasserim, be henceforth placed under the control and superintendence, in civil cases, of the Court of Sudder Dewanny Adawlut, in criminal cases, of the Court of Nizamut Adawlut, and in Revenue cases, of the Sudder Board of Revenue; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive from the Government of Fort William in Bengal.

THE CEDED AND CONQUERED PROVINCES.—REVENUE.

ACT No. III. OF 1835.

[*Passed on the* 19*th February,* 1835.

1. *No new claims to be admitted under Reg. I.* 1821, *Reg. I.* 1823, *clause* 2. *s.* 10, *Reg. I.* 1829.
2. *All new claims to be cognizable only in the regular Courts of Justice, and tried in like manner with other suits, in conformity with the General Regulations.*
3. *Commissioners under old Regulations, and S. Board of R., to decide all cases pending: S. B. to decide Appeals in cases pending.*

I. Be it enacted, that no new claims shall be admitted under the provisions of Regulation I. 1821, Regulation I. 1823, and Clause 2, Section 10, Regulation I. 1829.

II. And be it enacted, that all such claims shall hereafter be cognizable only in the regular Courts of Justice, and shall be tried and determined in like manner with all other suits, in conformity with the provisions of the General Regulations, and without reference to the provisions of regulations referred to in the preceding section of this Act.

III. And be it enacted, that the Commissioners and the Sudder Board of Revenue shall investigate and decide all cases pending before them respectively, and that the Sudder Board shall continue to admit and decide Appeals from the decisions of the Commissioners in the same manner as they were empowered to do before the passing of this Act; provided that it shall be competent to the Government of the Presidency to transfer any part of the duties aforesaid to any Court or Officer.

The object of this Act is, to transfer to the ordinary Courts of Justice all those cases which were by Reg. I. of 1821, placed under the cognizance of a Commissioner specially appointed for the purpose, and called the "Mofussil Special Commission." The nature of the claims, and the reasons for referring them to a Special Commission are elaborately set forth in the Preamble of the Regulation, the Clause creating the jurisdiction of the Commission is as follows:—

The said Commission shall receive, investigate and determine all claims to recover possession of land lying within such limits as the Governor General in Council may from time to time appoint, which may have been lost through public sales made in liquidation of arrears of revenue, or through private transfers having been effected by the undue influence of a public officer from the period of the cession or conquest (according as the land may be situate within the ceded or within the conquered provinces) and the expiration of the Fussily year 1217, corresponding with the 13th September, 1810.

The title of the Regulation is as follows: "*A Regulation for the appointment of a Special Commission in the Ceded and Conquered Provinces, for the investigation and decision of certain claims to recover possession of land illegally or wrongfully disposed of by public sale, or lost through private transfers effected by undue influence; and for the correction of the errors or omissions of the proceedings adopted by the revenue officers in regard to the record and recognition of proprietory rights, and the ascertainment of the tenures, interests and privileges of the agricultural community.*"

CALCUTTA.—JUSTICES OF THE PEACE.

ACT No. IV. OF 1835.

[*Passed on the* 13*th March,* 1835.

All powers which may be exercised by two Justices of the Peace for Calcutta, shall be exercised by one such Justice.

Be it enacted, that from the 14th day of March, 1835, all powers whatever in criminal cases which, by virtue of any law now in force,

may be exercised by two Justices of the Peace for the town of Calcutta, shall be exercised by one such Justice.

The object of this act is, to enable one Justice of the Peace for Calcutta to exercise the powers originally given to two. Act. No. 32 of 1838, makes the same provision in respect to the power of Justices of the Peace in the Mofussil. For a list of the Local Acts of Calcutta, see *Index*.

MADRAS.—MOONSIFFS' FEES.

ACT No. V. OF 1835.

[*Passed on the* 13*th March,* 1835.

District Moonsiffs' Fee or Commission abolished.

Be it enacted, that such parts of any of the regulations in force as authorize the District Moonsiffs within the presidency of Fort St. George to receive any fee or commission for duties performed by them, are hereby rescinded; and District Moonsiffs within that presidency, shall not be entitled to receive any emolument whatever, beyond their fixed monthly allowances.

THE COSSYAH HILLS AND TERRITORY OF CACHAR.

ACT No. VI. OF 1835.

[*Passed on the* 13*th March,* 1835.

The Cossyah Hills and territory of Cachar to be under the control of the Sudder Dewanny Adawlut, Nizamut Adawlut, and Sudder Board of Revenue, subject to instructions from the Bengal Government.

Be it enacted, that the functionaries who are or may be appointed to the political charge of the Cossyah Hills, or to the superintendence of the territory of Cachar, be henceforth placed under the control and superintendence, in Civil cases, of the Court of Sudder Dewanny Adawlut, and in Criminal cases, of the Court of Nizamut Adawlut, and that the Officers so appointed in the territory of Cachar be placed, in Revenue cases, under the control and superintendence of the Sudder Board of Revenue; and that such control

and superintendence of the Sudder Court and Board shall be exercised in conformity with such instructions, as the said functionaries may have received or may hereafter receive from the Government of Fort William in Bengal.

BENGAL AND AGRA.—JURISDICTION OF SESSIONS' JUDGE.

ACT No. VII. OF 1835.

[*Passed on the 8th June,* 1835.

The Governor of Bengal and Agra may transfer the duties connected with criminal justice from any Commissioner of Circuit to any Session Judge, and define the powers to be exercised by each respectively.

Be it enacted, that it shall be competent to the Governors of the Presidencies of Fort William in Bengal and of Agra respectively, by an order under the signature of the Secretary to Government in the Judicial Department, to transfer any part, or the whole of the duties connected with criminal justice, from any Commissioner of Circuit to any Session Judge, and to define the powers, which shall be exercised by each respectively.

This Act empowers the Governor of Bengal and Agra to transfer any of the duties connected with criminal justice from any Commissioner of Circuit to any Session Judge, and to define the powers to be exercised by each respectively.

By s. 6 of Act 24, 1837, the decisions of the Sessions' Judge on such appeal, except in criminal trials, shall not be open to revision by the Nizamut Adawlut. And by s. 7 of the same Act, the same control and superintendence over jails, under the management of any Zillah or City Magistrate or Joint Magistrate is given to the Sessions' Judge when the whole administration of Criminal Justice is vested in him, as might have been exercised by the Commissioner of Circuit.

BENGAL.—REVENUE.

ACT No. VIII. OF 1835.

[*Passed on the* 8*th June,* 1835.

Sales under decrees for arrears of rent to be made in future by the Collectors of Land Revenue. Certain parts of section 15, *Regulation* 7, 1799, *and of c.* 3, *section* 23, *Regulation* 7, 1822, *rescinded. Collectors may sell Land in satisfaction of Summary Decrees for Rent.*

2. *All Sales for arrears of Rent or Revenue, under Clause* 7, *Section* 15, *or Clause* 6, *Section* 23, *or Section* 25, *Regulation VII.* 1799, *to be public, and ten days' notice to be given.*

Be it enacted, that such parts of clause 7, section 15, Regulation VII., 1799, of the Bengal Code, and other Regulations in force, as vest the Judge of Dewanny Adawlut with the power of bringing to sale, in execution of Summary Decrees for Rent, the Talook or other tenure of the defaulter, and so much of clause 3, section 23, Regulation VII. of 1822, of the same Code, as prohibits the Collectors from selling land in satisfaction of Summary Awards for arrears of Rent which may have accrued thereon, be rescinded, and that the power heretofore vested in the Judges of the Dewanny Adawlut of selling land in satisfaction of Summary Decrees for Rent, be transferred to the Collectors of Land Revenue.

II. And be it enacted, that all Sales for the recovery of arrears of Rent or Revenue, held under Clause 7, Section 15, or Clause 6, Section 23, or Section 25, Regulation VII. of 1799, shall be public, and be conducted by the Collector, his deputy or duly authorized assistant, and that ten days' notice shall be given of such Sales, by advertisement, to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector.

The object of this Act is, to transfer to Collectors of Revenue the power of selling land in execution of summary decrees and summary awards for rent, and which power was previously exercised by the Judge of Dewanny Adawlut. And this, the object of the Act, is also its sole operation.

BENGAL—SALT DEPARTMENT.

ACT No. IX. OF 1835.

[*Passed on the 6th July,* 1835.

1. *Governor of Bengal may vest the duty of Superintending Salt Chokees in Officers not being Covenanted Civil Servants.*

2. *Superintending Officers of Chokees appointed without the powers of adjudication. The Governor of Bengal may invest any Judicial or Revenue Officer with those powers.*

3. *This Act not to affect the powers of Superintending Officers of Chokees being Civil Servants.*

4. *Scale of rewards for officers and others making seizures of Salt.*

I.—Be it enacted, that it shall be competent to the Governor of Bengal, whensoever he shall deem it expedient, to vest the duty of Superintending Salt Chokees in Officers not being covenanted Civil Servants, to limit the powers to be exercised by them in such manner as he may be pleased to direct.

II.—When the Governor of Bengal shall appoint Superintending Officers of Chokees without the powers of adjudication in respect to cases of alleged violation of the laws for the protection of the Salt Revenue, which are declared to be vested in such Officers by sections 46—109 and other provisions of Regulation X. 1819 of the Bengal Code, it shall be competent to the Governor of Bengal to invest with those powers, any Judicial or Revenue Officer of the Government, giving notice thereof in the Government Gazette, and every Officer so invested with the said powers, shall exercise the said powers in all respects as prescribed in Regulation X. 1819 of the Bengal Code, for Salt Agents and Superintending Officers of Chokees.

III.—Nothing in this Act contained shall be construed to affect or interfere with the powers vested by the said Regulation, or by any other Regulation of the Government of Bengal, in Superintending Officers of chokees being Covenanted Civil Servants.

IV. First.—In modification of the Rule contained in Section 89, Regulation X. 1819, of the Bengal Code, the following scale of rewards is established for Officers and others making seizures of salt.

Second.—Upon the adjudication of a forfeiture of salt, provided the parties concerned in the attempt to evade or violate the law, be

likewise convicted, the Officers of the Salt Department under the grades of Agent and Superintendent, if they have made the seizure upon information laid, or under orders of their Superiors, shall be entitled to a reward at the rate of 8 annas per maund of Merchantable Salt so adjudged to be forfeited. If the parties concerned be not discovered and convicted, the reward to the salt officers shall be only at the rate of 5 annas per maund.

Third.—If Salt be seized by any subordinate Officers of Government possessing authority to make seizures, without information from others or orders from their Superior, the reward shall be at the rate of one rupee per maund if the offenders be convicted, and 8 annas if no offenders be convicted.

Fourth.—Informers, whether Officers of Government or not, shall, on the adjudication of Salt to forfeiture that may have been seized on their information, receive 8 annas per maund if the offenders be convicted, and 5 annas if there be no conviction.

This Act has two objects: to empower the Governor of Bengal to vest the duty of Superintending Salt Chokees in officers not being covenanted civil servants. To this, the first three sections are devoted. The rest of the Act, beginning with the 4th section, is employed in establishing a new scale of rewards for officers and others making seizures of Salt.

Act No. 29 of 1838, repealing previous Regulations, directs the mode of proceeding in the seizure of Salt where the Salt laws have been violated. The same Act contains several provisions respecting the punishment of offences against the Salt laws.

EVIDENCE.

ACT No. X. OF 1835.

[*Passed on the 6th July,* 1835.

Act passed by Governor General in Council may be proved by production of the Government Gazette purporting to contain it.

Be it enacted, that the production of a Government Gazette of any Presidency, containing an Act purporting to have been passed by the Governor General in Council, shall be held in all Courts sufficient proof that such Act has been so passed.

LIBERTY OF THE PRESS.

ACT No. XI. OF 1835.

[*Passed on the* 3*d August*, 1835.

1. *Repeals four regulations after specified.*

2. *No printed periodical containing public news or comments on news shall be published within the territories of the E. I. C. except under following regulations. Printer and Publisher of every periodical work shall make and subscribe a declaration before a Magistrate. Form of declaration. When place of printing and publishing is changed, a fresh declaration shall be necessary. Printer or Publisher leaving the territories of the E. I. C., a new declaration shall be made by the Printer or Publisher resident within.*

3. *Any one printing or publishing any such periodical without conforming to rules shall be punished with a fine not exceeding* 5,000 *rupees and imprisonment not exceeding two years.*

4. *Declaration shall be authenticated by signature and seal of the Magistrate, and deposited in the office of the Magistrate and in the Supreme Court. Any person entitled to inspect and have a copy of the declaration.*

5. *Office copy of declaration to be sufficient prima facie evidence that the person whose name is subscribed was the Printer or Publisher.*

6. *Persons who may have subscribed a declaration and since ceased to be the Printers or Publishers may make before the Magistrate another declaration. Form of declaration. This declaration to be filed with the original declaration. Any person may inspect this declaration and have copy; and office copy of the second declaration to be evidence: first declaration not to be evidence of fact at a subsequent period to the date of the second declaration.*

7. *Every printed book or paper shall have printed on it the name of printer and publisher, and place of printing and publication, under pain of fine not exceeding* 5000 *rupees, and imprisonment not exceeding two years.*

8. *No person shall keep a printing Press for use, without making a declaration. Form of declaration.*

9. *Any person in making a declaration knowing it to be untrue, shall be punished by fine not exceeding* 5000 *rupees and imprisonment not exceeding two years.*

I. Be it enacted, that from the fifteenth day of September, 1835, the four Regulations, hereinafter specified, be repealed.

1st.—A Regulation for preventing the establishment of Printing-presses, without license, and for restraining, under certain circumstances, the circulation of printed books and papers, passed by the Governor General in Council, on the 5th April, 1823.

2d.—A Rule, Ordinance, and Regulation for the good order and civil Government of the Settlement of Fort William in Bengal,

passed in Council 14th March, registered in the Supreme Court of Judicature, 4th April, 1823.

3d.—A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing Newspapers, and Periodical and other books and papers by persons unknown, passed by the Honorable the Governor in Council of Bombay, on the 2d day of March, 1825, and registered in the Honorable the Supreme Court of Judicature at Bombay, under date the 11th of May, 1825.

4th.—A Regulation for restricting the establishment of Printing-presses, and the circulation of printed books and papers, passed by the Governor of Bombay in Council, on the 1st of Jan. 1827.

II. 1st.—And be it enacted, that, after the said fifteenth day of September, 1835, no printed Periodical work whatever, containing public news or comments on public news, shall be published within the Territories of the East India Company, except in conformity with the rules hereinafter laid down.

2d.—The Printer and the Publisher of every such Periodical work shall appear before the Magistrate of the jurisdiction within which such work shall be published, and shall make and subscribe in duplicate the following declaration:

"I, A. B., declare, that I am the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled——and printed (or published, or printed and published) at———." And the last blank in this form of declaration, shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

3d.—As often as the place of printing or publication is changed, a new declaration shall be necessary.

4th—As often as the Printer or the Publisher, who shall have made such declaration as is aforesaid, shall leave the Territories of the East India Company, a new declaration from a Printer or Publisher resident within the said Territories, shall be necessary.

III. And be it enacted, that whoever shall print or publish any such Periodical work as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such Periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction, be punished with fine, to

an amount not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

IV. And be it enacted, that each of the two originals of every declaration so made and subscribed as is aforesaid, shall be authenticated by the Signature and Official Seal of the Magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the records of the office of the Magistrate, and the other original shall be deposited among the records of the Supreme Court of Judicature, or other King's Court within the jurisdiction of which the said declaration shall have been made. And the officer in charge of each original shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration attested by the Seal of the Court which has the custody of the original, on payment of a fee of two rupees.

V. And be it enacted, that in any legal proceeding whatever, as well Civil as Criminal, the production of a copy of such a declaration as is aforesaid, attested by the Seal of some Court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, that the said person was Printer, or Publisher, or Printer and Publisher, (according as the words of the said declaration may be) of every portion of every Periodical work whereof the title shall correspond with the title of the Periodical work mentioned in the declaration.

VI. Provided always that any person who may have subscribed any such declaration, as is aforesaid, and who may subsequently cease to be the Printer or Publisher of the Periodical work mentioned in such declaration, may appear before any Magistrate, and make and subscribe in duplicate the following declaration:

"I, A. B. declare that I have ceased to be the Printer (or Publisher, or Printer and Publisher) of the Periodical work entitled ———." And each original of the latter declaration shall be authenticated by the Signature and Seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration thall be filed along with each original of the former declaration:—and the Officer, in charge of each original of the latter declaration, shall allow any person ap-

plying, to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the Seal of the Court having custody of the original, on payment of a fee of two rupees:—and in all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration: and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, Printer or Publisher of the Periodical work therein mentioned.

VII. And be it enacted, that every book or paper printed after the said Fifteenth day of September, 1835, within the Territories of the East India Company, shall have printed legibly on it, the name of the Printer and of the Publisher, and the place of printing and of publication, and whoever shall print or publish any book or paper otherwise than in conformity with this rule, shall, on conviction, be punished by fine to an amount not exceeding five thousand rupees, and by imprisonment for a term not exceeding two years.

VIII. And be it enacted, that after the said Fifteenth day of September, 1835, no person shall, within the Territories of the East India Company, keep in his possession any Press for the printing of books or papers, who shall not have made and subscribed the following declaration before the Magistrate of the jurisdiction wherein such Press may be; and whoever shall keep in his possession any such Press without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding Five Thousand Rupees, and by imprisonment for a term not exceeding two years:

"I, A. B. declare, that I have a Press for Printing at ———."
and this last blank shall be filled up with a true and precise description of the premises where such Press may be.

IX. And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding Five Thousand Rupees, and imprisonment for a term not exceeding two years.

MADRAS.

ACT No. XII. OF 1835.

[*Passed on the 3d August,* 1835.

Regulation IV., 1829, *and Regulation IV., of* 1830, *of the Madras Code rescinded.*

Be it enacted, that Regulation IV., 1829, of the Madras Code, entitled a Regulation for annulling the Sunnuds-i-Milkeut Istimrar, issued for the Zemindarees of Nozeed and Ellore, in the Zillah of Masulipatam, and for empowering the Government to issue new Sunnuds for the same—and Regulation IV., 1830, of the same Code, entitled a Regulation for suspending the Provisions of the Regulation IV., 1829, be rescinded.

BOMBAY.

ACT No. XIII. OF 1835.

[*Passed on the 3d August,* 1835.

The Sudder Fouzdarry Adawlut may direct any accused person to be tried in any Zillah.

Be it enacted, that it shall be competent to the Court of Sudder Fouzdarry Adawlut for the Presidency of Bombay to direct, that any person accused of any offence, and subject to the Jurisdiction of the Courts of the East India Company, may be tried in any Zillah of the said Presidency.

BOMBAY.

ACT No. XIV. OF 1835.

[*Passed on the 3d August,* 1835.

The Governor of Bombay may appoint any Military Officer to be a Magistrate, &c.

Be it enacted, that it shall henceforth be competent to the Governor of Bombay in Council, by an Order in Council, to appoint

any Military Officer in the service of the East India Company, a Magistrate, or an Assistant Magistrate in one or more Zillahs, and to confer on any Assistant Magistrate, by a Special Order, any of the powers of a Magistrate.

MADRAS.

ACT No. XV. OF 1835.

[*Passed on the 3d August, 1835.*

1. *Repeals Reg. 5, 1802. Witness not attending before the S. A., or refusing to give evidence, may be fined not exceeding 500 rupees, and committed until he shall consent to give evidence. If fine not paid, he may be confined for further term not exceeding 3 months.*

2. *Person guilty of contempt of S. A. in open Court, may be immediately fined, not exceeding 500 rupees, or be committed for not exceeding six months.*

3. *S. A. may commit any person who appears to have been guilty of perjury, and send him for trial to the Zillah Court, &c.*

I. First.—Be it enacted, that from the 1st day of September, 1835, section 18, Regulation V. of 1802, of the Madras Code, be rescinded.

Second.—Be it enacted, that if a witness duly summoned by the Court of Sudder Adawlut of Fort St. George, shall not attend, or shall refuse to give evidence in the manner prescribed by the existing Law, that Court may impose on such witness a fine not exceeding five hundred rupees, and may commit him to the Jail of the Zillah Court nearest to the Presidency, until he shall consent to give his evidence in the manner prescribed. And if the said witness shall not pay the fine imposed on him, it shall be lawful for the said Court of Sudder Adawlut to direct him to be kept in confinement for a further term not exceeding three months.

II. If any person shall be guilty of contempt of the Court of Sudder Adawlut in open Court, the Court may immediately punish the offender by fining him in a sum not exceeding five hundred rupees, or by committing him to custody in the Jail of the Zillah Court nearest to the Presidency, for a term not exceeding six months.

III. If it shall appear to the Court of Sudder Adawlut that

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any person has been guilty of wilful and corrupt perjury in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the Zillah Court nearest to the Presidency, in order to his being brought to trial before the Court of Circuit of the Division in which such Zillah Court may be situated; and such person shall be dealt with in the same manner, as if the perjury had been committed within the limits of the local jurisdiction of such Court of Circuit.

BENGAL.

ACT No. XVI. OF 1835.

[*Passed on the* 3*d August*, 1835.

Rescinds ss. 2 *and* 3, *Reg.* 5, 1830.

Be it enacted, that from the 1st of November, 1835, so much of Section 2, of Regulation V. of 1830 of the Bengal Code, as provides that persons instigating and inducing ryots to evade the performance of their engagements, may be prosecuted for the full amount of the penalty specified in the original agreement of the ryot, together with all expenses and costs of the suit—and section 3, of the same Regulation, providing that persons contracting for the cultivation of Indigo Plant, who shall wilfully neglect or refuse to sow or cultivate the ground specified in their engagement, shall be deemed guilty of a Misdemeanor, and liable to punishment,—be rescinded.

Act No. 10, section 3, of 1836, gives a remedy against any person inducing a ryot to break his engagement. Where a ryot is under any contract to cultivate or deliver Indigo Plant, and has received an advance to enable him to do so, any other person, knowing such contract to exist and advance to have been made, shall be liable to an action for damages if he prevails on the ryot to break his engagement.

GOLD AND SILVER COINAGE.

ACT No. XVII. OF 1835.

[*Passed on the 17th August,* 1835.

1. *What Silver Coins shall be Coined within the Territories of the East India Company.*
2. *The obverse and reverse to bear the head and name of the reigning Sovereign, and the designation of the Coin in English and Persian.*
3. *New Coins a legal tender.*
4. *Relative value between the new Coins and the old ones.*
5. *Quarter Rupee legal tender only in payment of fraction of a Rupee.*
6. *Existing contracts for payment of Calcutta Sicca Rupees at a different rate from the above, if payment is made in any other Presidency shall be performed according to the terms agreed.*
7. *What Gold Coins shall be coined at the Mints.*
8. *What the Gold Coins shall bear on the obverse and reverse.*
9. *No Gold Coin shall be a legal tender.*
10. *The Governor General in Council may direct the coining and issuing of Coins under this Act; prescribe the devices, &c. of Copper Coins, and establish &c. any Mints.*

Be it enacted, that from the First day of September, 1835, the undermentioned Silver Coins only shall be coined at the Mints within the Territories of the East India Company :—A Rupee, to be denominated the Company's Rupee ; a Half Rupee ; a Quarter Rupee ; and a Double Rupee ; and the weight of the said Rupee shall be 180 Grains Troy, and the standard shall be as follows :

$\frac{11}{12}$ or 165 Grains of pure Silver,

$\frac{1}{12}$ or 15 „ of Alloy,

and the other Coins shall be of proportionate weight and of the same standard.

II. And be it enacted, that these Coins shall bear on the obverse the head and the name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the Coin in English and Persian, and the words "East India Company" in English, with such embellishment as shall, from time to time, be ordered by the Governor General in Council.

III. And be it enacted, that the Company's Rupee, Half Rupee, and Double Rupee, shall be a legal tender in satisfaction

of all engagements, provided the Coin shall not have lost more than Two per Cent. in weight, and provided it shall not have been clipped, or filed, or have been defaced otherwise than by use.

IV. And be it enacted, that the said Rupee shall be received as equivalent to the Bombay, Madras, Furruckabad and Sonat Rupees, and to Fifteen-sixteenths of the Calcutta Sicca Rupee, and the Half and Double Rupee respectively, shall be received as equivalent to the Half and Double of the abovementioned Bombay, Madras, Furruckabad and Sonat Rupees, and to the Half and Double of Fifteen-sixteenths of the Calcutta Sicca Rupee.

V. And be it enacted, that the Company's Quarter Rupee shall be a legal tender only in payment of the fraction of a Rupee.

VI. Provided, that if in any contract for the payment of Calcutta Sicca Rupees it shall have been specially stipulated that if payment be made in the Territories of the Madras, Bombay, or Agra Presidency, it shall be made in the Rupee now current in those Presidencies respectively, at a different rate from that above provided with reference to the Calcutta Sicca Rupee, the contract shall be satisfied by payment within those Presidencies of Company's Rupees of the amount of Furruckabad, Madras, or Bombay Rupees so specially stipulated:—Provided also, that if payment of the Principal or Interest of the Public Debt be made for the convenience of Creditors at any Public Treasury other than as stipulated in the Notes and Engagement of the Government, it shall be competent to the Government to make such payments at the same exchange as heretofore.

VII. And be it enacted, that the undermentioned Gold Coins only shall henceforth be coined at the mints within the Territories of the East India Company.

First.—A Gold Mohur or Fifteen Rupee Piece of the weight of 180 Grains Troy, and of the following Standard, viz.

$\frac{11}{12}$ or 165 Grains of pure Gold,
$\frac{1}{12}$ or 15 „ of Alloy.

Second.—A Five Rupee Piece equal to a Third of a Gold Mohur.

Third.—A Ten Rupee Piece equal to Two-thirds of a Gold Mohur.

Fourth.—A Thirty Rupee Piece or Double Gold Mohur and the three last mentioned Coins shall be of the same standard with the Gold Mohur, and of proportionate weight.

VIII. And be it enacted, that these Gold Coins shall bear on the obverse the head and name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the Coin in English and Persian, and the words " East India Company" in English, with such embellishment as shall from time to time be ordered by the Governor General in Council, which shall always be different from that of the Silver Coinage.

IX. And be it enacted, that no Gold Coin shall henceforward be a legal tender of payment in any of the Territories of the East India Company.

X. And be it enacted, that it shall be competent to the Governor General in Council, in his Executive capacity, to direct the Coining and issuing of all Coins authorized by this Act; to prescribe the devices and inscriptions of the Copper Coins issued from the Mints in the said Territories, and to establish, regulate, and abolish Mints, any law hitherto in force to the contrary notwithstanding.

The other Acts relating to the Coinage are, Act 13, 1836, Act 31, 1837, and Act 21, 1838. Under the first, the Calcutta Sicca Rupee ceased to be a legal tender. The Sicca Rupee no longer exists as a Coin, though it is still used in accounts. The second merely suspends so much of the above Act as directs that certain Coins shall bear on the obverse the head of the reigning Sovereign, —who was our beloved Queen Victoria. It was timidly and erroneously supposed that the head of a female sovereign would be offensive to the natives of India. Act 21, of 1838, allows the Governor General to put her Majesty's head on the Coin. It also enables the Governor General to direct the Coinage of Silver Coins of less than a Rupee in even annas.

BENGAL.—CHUPRASS OR BADGES.

ACT No. XVIII. OF 1835.

[Passed on the 9th November, 1835.

1. *Repeals Clause* 8, *Section* 9, *Regulation* 11, 1806; *Clause* 4, *Section* 30, *Regulation* 20, 1817.

2. *No person to wear any Chuprass or Badge intended to resemble any Chuprass or Badge worn by servants of Government, under pain of fine and imprisonment as for a misdemeanor.*

3. *Every Chuprass or Badge worn by others than servants of Government shall bear the name of the employer ; any violation of this rule shall be punishable with fine and imprisonment.*

Be it enacted, that Clause 8, Section 9, Regulation XI. 1806, and Clause 4, Section 30, Regulation XX. 1817, of the Bengal Code, which prohibit the use of a Chuprass or Badge by peons, or other servants in the employment of private individuals, be repealed.

And be it enacted, that no person shall wear, or be accessary to the wearing by any other person of any Chuprass or Badge, intended to resemble any Chuprass or Badge worn by servants of the Government; and every person violating this rule, shall be punishable by fine and imprisonment, on conviction before a Magistrate, as for a misdemeanor.

And be it enacted, that every Chuprass or Badge worn by any person, not being a servant of the Government, shall bear the name of the party by whom the wearer is employed, and whoever shall wear a Chuprass or Badge, or be accessary to the wearing such Chuprass or Badge, otherwise than in conformity to this rule, shall be punishable by fine and imprisonment, on conviction before a Magistrate, as for a misdemeanor.

BOMBAY.

ACT No. XIX. OF 1835.

[*Passed on the 9th November,* 1835.

The Governor may appoint the Assistant Judge of the Zillah Court of Poonah to be Assistant to the Agent for Sirdars in the Deccan: the said Agent may refer to him original suits against Sirdars for not exceeding 5000 *Rupees. Within* 30 *days, decree of Assistant shall be open to Appeal to the Agent, and from him to Special Appeal to the Governor, or to the Sudder Adawlut, according to rank of Sirdar.*

Be it enacted, that it shall be competent for the Governor in Council of Bombay, to appoint the assistant Judge of the Zillah Court of Poonah, to be Assistant to the Agent for Sirdars in the Deccan; and it shall be competent to the Agent for Sirdars, to refer to his Assistant, Original Suits against Sirdars for amounts not exceeding 5,000 Rupees—and in the trial of such suits, the Assistant shall follow the same rules which are now applicable to the Agent, and every Decree of the Assistant shall be open to an Appeal to the Agent within (30) thirty days from the date of the Decree; and every decision of the Agent on such Appeal shall be open to a Special Appeal under the provisions of Chapter XXII. Regulation IV. of 1827, of the Bombay Code, to the Governor in Council, or to the Sudder Adawlut, according as the rank of the Sirdar may subject him to the jurisdiction of either authority, provided such last mentioned Appeal shall be brought within (90) ninety days after the date of the Decree of the Agent.

BOMBAY.

ACT No. XX. OF 1835.

[*Passed on the 23d November,* 1835.

The Governor of Bombay may invest the Mahalkarees &c. with Police powers which shall be exercised according to rules in Clause 5, *Regulation* 12, 1837.

Be it enacted, that it shall be competent to the Governor in Council of Bombay, to invest the Mahalkarees or other Officers, howsoever designated, exercising the functions of Mahalkarees, with Police powers within the towns and villages under their

charges, to the same extent as are possessed by Komavisdars or Mamlutdars.

And be it enacted, that the proceedings of the Officers invested with Police powers under this Regulation shall be conducted according to the rules prescribed in Chapter V. Regulation XII. 1827, of the Bombay Code, and that the sentences by them awarded shall be carried into effect by the Komavisdars or Mamlutdars, in all cases where it cannot be executed at the station of the Mahalkaree.

ACT No. XXI. OF 1835.

Pased on the 7th December, 1835.

1. *The following Copper Coins only to be issued in Bengal viz.* (1) *Pice,* (2) *Double Pice;* (3) *Pie, with devices to be fixed by the Govr. Genl. in Council.*

2 *and* 3. *Pice a legal tender for* $\frac{1}{64}$ *double pice for* $\frac{1}{32}$ *and pie for* $\frac{1}{192}$ *of the Co.'s Rupee.*

I. Be it enacted, that from the 20th day of December 1835, the following Copper Coins only, shall be issued from any Mint, within the Presidency of Bengal.

1. A pice weighing.................. 100 Grains Troy.
2. A double pice.................. 200 „
3. A pie, one-twelfth of an anna piece 33$\frac{1}{3}$ „

with such devices as shall be fixed for the same by the Governor General in Council, according to the provisions of Section 10 of Act XVII. of 1835.

II. And be it enacted, that, from the said 20th day of December 1835, the said pice shall be legal tender for $\frac{1}{64}$ of the Company's Rupee, and the said double pice for $\frac{1}{32}$ of the Company's rupee, and the said pie for $\frac{1}{192}$ of the Company's Rupee.

III. Provided always, that after the said 20th day of December, 1835, no Copper Coin shall in any part of the Territories of the East India Company be legal tender, except for fractions of a Rupee.

BOMBAY.—REVENUE.

ACT No. I. OF 1836.

[*Passed on the 4th January,* 1836.

The funds raised at the Ports within the limits of the Gulph of Cambay for the support of a Light House upon the Island of Peerim in that Gulph, may be applied to other purposes.

Be it enacted, that it shall be lawful for the Governor in Council of Bombay, to employ any portion of the fees levied under authority of Regulation VI. of 1831, of the Bombay Code, for purposes other than those specified in the said Regulation, any thing in the said Regulation to the contrary notwithstanding.

BOMBAY.—CUSTOMS DUTIES.

ACT No. II. OF 1836.

[*Passed on the 11th January,* 1836.

Regulation 3, 1834, *of Bombay Code repealed, except so far as it repeals preceding regulations.*

One and a half per cent. import duty to be levied on articles mentioned in Appendix A, in addition to former Custom Duties.

Drawback allowed on exportation to the United Kingdom in British bottoms. Money paid after 1*st January,* 1827, *for duties on wines or spirits, not to be recovered back again. Appendix.*

It is hereby enacted, that Regulation III. A. D. 1834, of the Bombay Code, be rescinded, with the exception of such part of that Regulation as rescinds preceding Regulations.

And it is hereby enacted, that a duty at the rate of (1½) one and half per cent. shall be levied on import into the Island of Bombay, of the articles enumerated in Appendix A. in addition to the established Sea Customs, and under the same Rules and Regulations as are or may be made applicable to the collection of the latter.

And it is hereby enacted, that no drawback of the duty imposed in the preceding section be allowed, except on exportation to the United Kingdom in British bottoms of any of the articles subject thereto, in which case such an amount of drawback will, if applied for at the period of exportation, but not otherwise, be allowed, as will reduce the total duty receivable by Government to (2½) two and a half per cent.

And it is hereby enacted, that no person shall be entittled to recover any

money which such person may subsequently to the first day of January, 1827, have paid to any officer authorized to receive duties on imports as duty on wine or spirits.

APPENDIX A.

Goods imported from the other Presidencies under certificates of the exemption from customs at Bombay, excepting those articles of a like description (such as Ghee, Oil, &c. &c.) not liable to a duty when imported from other places unaccompanied by exempting certificates.

Oil, except that in use for culinary purposes, Shawls, Wax Candles, Sugar, Piece Goods, China Silks, Nankeens, Rose Water, Sandal Wood, Mace, Cloves, Nutmegs, Cinnamon, Cassia, Bhoysing, Cocum, Tamarinds, Saltpetre, Black Pepper, Cardamums, Wines in casks, Wines and Liquors in bottles.

This Act is repealed by Act No. 1, of 1838, except so far as it repeals any Regulation of the Bombay Code.

BOMBAY.—CATTLE DUTY.

ACT No. III. OF 1836.

[*Passed on the* 8*th February,* 1836.

Duties now levied on import of Cattle into Salsette abolished.

It is hereby enacted, that from the tenth day of March, 1836, all duties now levied on the import of Cattle into Salsette, whether at the bunders of the main land or Salsette, shall be abolished.

INSOLVENT DEBTORS ACT.

ACT No. IV. OF 1836.

[*Passed on the* 22*nd February,* 1836.

Insolvent Debtors Act continued till 1*st March,* 1839.

It is hereby enacted, that the Act of Parliament passed in the 9th Year of King George the Fourth, and entitled "An Act to Provide for the Relief of Insolvent Debtors in the East Indies until the First day of March, 1833," which Act, was by an Act passed in the 2d Year of King William the Fourth, continued till

the First day of March, 1836, shall continue to be in force till the First day of March, 1839.

I do not find any Indian Act by which the Insolvent Debtors Act has been further continued. But an Act of the Imperial Parliament (6 and 7 W. c 47,) continued the original Act and Acts for the amendment thereof, to the 1st day of March, 1839, and thence until the end of the then next session of parliament: and by the 3 and 4 V. c. 80, the several Acts relating to Insolvent Debtors in India have been continued until the 1st day of March, 1845, and from thence until the end of the then next session of parliament.

BENGAL.—EXECUTIONS.

ACT No. V. OF 1836.

[*Passed on the 7th March,* 1836.

Zillah and City Judges may refer to the Principal Sudder Ameen, applications for the enforcement of Decrees.

It is hereby enacted, that it shall be competent to the Zillah and City Judges within the Presidency of Fort William in Bengal, to refer to the Principal Sudder Ameens subordinate to them, applications for the enforcement of Decrees to be executed by the said Principal Sudder Ameens, under the rules prescribed in the General Regulations, applicable to such cases.

MADRAS.—CRIMINAL LAW.

ACT No. VI. OF 1836.

[*Passed on the 7th March,* 1836.

The Court by which any person has been committed under Section 22, Reg. 3, 1802, *may liberate such person, if the confinement is deemed sufficient. No person to be confined under the said section more than two months.*

It is hereby enacted, that it shall be lawful for any Court by which any person shall be or shall have been committed to custody under the authority of Section 22, Regulation III. 1802, of the Madras Code, to liberate such person when such Court shall be of

opinion, that the confinement has been sufficient for the punishment of his offence, and no person shall under authority of the said section, be kept in custody for a term exceeding two months.

BOMBAY.

ACT No. VII. OF 1836.

[*Passed on the* 28*th March,* 1836.

Acts done and levies made under Regulations 3 *and* 4 *of* 1817; 7 *of* 1818; 4 *of* 1821; 19, 20 *and* 21 *of* 1827; 15 *of* 1828; 20 *of* 1830; 2 *and* 13 *of* 1831; 1 *and* 10 *of* 1833, *shall not be questioned.*

Regulations 19 *and* 32 *of* 1827, *shall constitute the Law for the Collection of the Taxes therein enumerated, &c.*

I. It is hereby enacted, that the legality of acts done and levies made under Regulations III. and IV. of 1817, and VII. of 1818, and IV. of 1821, and XIX., XX., and XXI. of 1827, and XV. of 1828, XX. of 1830, and II. and XIII. of 1831, and I. and X. of 1833, of the Bombay Code, shall not be questioned in any Court of Law whatever.

II. And it is hereby enacted, that for the future the provisions of Regulations XIX. and XXXII. of 1827, shall constitute the law for the collection of the several taxes therein enumerated, and for all purposes for which they were passed.

BENGAL.—JUDICIARY SYSTEM.

ACT No. VIII. OF 1836.

[*Passed on the* 28*th March,* 1836

No person, by reason of place of birth, or of descent, to be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff.

British-born subjects or their descendants to be subject to the same jurisdiction as others, in respect of all acts done by them as Principal Sudder Ameen, Sudder Ameen, or Moonsiff.

I. It is hereby enacted, that from the 31st day of March, 1836, no person whatever shall by reason of place of birth, or by reason

of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the Territories subject to the Presidency of Fort William in Bengal.

II. And it is hereby enacted, that every British-born subject of the King, or descendent of such British-born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen or Moonsiff, be liable to the same proceeding, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals as if he were not of British birth or descent.

POWER TO ADMINISTER OATHS.

ACT No. IX. OF 1836.

[*Passed on the* 11*th April,* 1836.

Commanding Officer of any Military Station occupied by East India Company's Troops, competent to administer within the limits of the station the same Oath as any Justice of the Peace.

It is hereby enacted, that the commanding officer of any military station occupied by troops in the service of the East India Company, shall be competent to administer, within the limits of such military station, any Oath which a Justice of the Peace is competent to administer within the said territories, and that such Oath shall in all respects, be of the same effect as if taken within the said territories before a Justice of the Peace.

BENGAL.—INDIGO CONTRACTS.

ACT No. X. OF 1836.

[*Passed on the* 11*th April,* 1836.

1. *Repeals Clause* 3, *Section* 5, *Regulation* 6, 1823.

2. *Whenever the right to Indigo Plant is contested and an order made for delivery to one of the parties, the party shall not cut or remove the Indigo until he shall have given security to make good any claim which shall be ultimately established.*

3. *If any person knowing a ryot to have made a contract, under which money has been advanced to the ryot, shall prevail upon the ryot to break his contract, the party who made the advance shall be entitled to proceed by civil action to recover from the other party and ryot damages to the extent of the injury sustained. Provided that a person shall not be liable to an action in consequence of any act done to procure payment of a debt or performance of a lawful contract.*

4. *Plaintiff and defendant may be examined; and compensation for expense and loss of time be awarded, if award is for defendant.*

5. *Zillah or City Judge may refer to a Principal Sudder Ameen, or Sudder Ameen, any suit instituted under Regulation* 6, 1823, *or under this Act.*

I. It is hereby enacted, that Clause Third, Section V., Regulation VI., 1823, of the Bengal Code, be repealed.

II. And it is hereby enacted, that whenever the right to Indigo Plant may be contested, and an order shall be passed, under the provisions of Clause Ninth, Section III., Regulation VI., 1823, of the Bengal Code, for the delivery of Indigo Plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the Indigo Plant until he shall have given sufficient security to the satisfaction of the Court trying the case, to make good any claim that shall be ultimately established to such Indigo Plant, whether arising from a prior right to the produce of the land, or from an arrear of rent due on account of the specific parcel of land from which the Plant may have been produced.

III. And it is hereby enacted, that when a lawful contract shall have been made between a ryot and another party, by which contract the ryot shall have bound himself to cultivate Indigo Plant for the other party, or to deliver Indigo Plant to the other party, and when the other party shall have advanced money to the ryot for the purpose of enabling the ryot to fulfil such contract,

then if any other person, knowing that such contract exists, and that such advance has been made, shall prevail upon the ryot to break such contract, the party who made the advance shall be entitled to proceed by civil action against the person who shall have so prevailed on the ryot, as well as against the ryot, and to recover from him or them, jointly or severally, damages to the extent of the injury sustained, together with costs of suit.

Provided always, that nothing in this Section contained shall be construed to give a right of action against any person in consequence of any act which that person may have done for the purpose of procuring payment of a debt, or performance of a lawful contract.

IV. And it is hereby enacted, that the Court trying any suit instituted under the provisions of Regulation VI., 1823, of the Bengal Code, or under the provisions of this Act, shall be authorized to examine both the plaintiff and the defendant whenever the Court shall deem such examination necessary to the ends of justice; and if the award be in favor of the defandant, to assign to the defendant a sum which may be a compensation to him for the expense and loss of time occasioned by the proceeding.

V. And it is hereby enacted, that it shall be competent to a Zillah or City Judge, to refer to a Principal Sudder Ameen or Sudder Ameen, according to the amount of their respective jurisdictions, any suit, whether regular or summary, which may be instituted under the provisions of Regulation VI., 1823, or under the provisions of this Act, to be enquired into and decided by the said Principal Sudder Ameen, or Sudder Ameen, in the same manner, and under the same rules, as such suit may be enquired into and decided by a Zillah or City Judge, any thing in the existing Regulations to the contrary notwithstanding.

JUDICIARY SYSTEM.

ACT No. XI. OF 1836.

[*Passed on the* 9*th May*, 1836.

1. *Repeals Section* 107, *of* 53 *George* 3.

2. *No person, by reason of place of birth or of descent, shall be exempt from jurisdiction of the Courts enumerated.*

I. It is hereby enacted, that from the first day of June, 1836, the 107th Clause of an Act of Parliament, passed in the 53d year of King George the 3d, and entitled "An Act for continuing in the East India Company for a further term the possession of the British Territories in India, together with certain exclusive privileges :—for establishing further Regulations for the Government of the said Territories, and the better administration of justice within the same, and for regulating the trade to and from the places within the limits of the said Company's Charter," shall cease to have effect within the territories of the East India Company.

II. And it is hereby enacted, that from the said day, and within the said Territories, no person whatever shall, by reason of place of birth, or by reason of descent, be, in any civil proceeding whatever, excepted from the jurisdiction of any of the Courts hereinafter mentioned :—that is to say—

The Courts of Sudder Dewanny Adawlut—of the Zillah and City Judges—of the Principal Sudder Ameens—and of the Sudder Ameens, in the Territories subject to the Presidency of Fort William in Bengal.

The Court of Sudder Adawlut—the Provincial Courts—the Courts of the Zillah Judges—of the Assistant Judges—of the Registers, and of the Native Judges in the Territories subject to the Presidency of Fort St. George.

The Courts of Sudder Adawlut—of the Zillah Judges—of the Native Judges—and of the Principal and Junior Native Commissioners in the Territories subject to the Presidency of Bombay.

By Acts 24 of 1836 ; 3 of 1839, and 6 of 1843, the like provision is made in respect of the jurisdiction of Assistant Judges, the jurisdiction of the Revenue Courts, and that of the Courts of Moonsiffs. See SUMMARY of the alterations effected in the judicial system by the Legislative Council.

FURRUCKABAD.—EXECUTIONS.

ACT No. XII. OF 1836.

[*Passed on the* 23*d May,* 1836.

If the holder of a decree passed by the Nuwaub of Furruckabad is unable to obtain execution by the Nuwaub, the Zillah Court may execute it.

It is hereby enacted, that from the first day of June, 1836, if the holder of a decree passed by the Nuwaub of Furruckabad under the provisions of Section VIII. of Regulation II. of 1803, shall be unable to obtain execution of the said decree by the Nuwaub for a period of six weeks, (which period of six weeks shall be calculated from the said 1st day of June, if the decree were passed before the 1st day of June, and from the time of passing the decree were passed on or after the said 1st day of June) the said holder shall be at liberty to sue out execution of the said decree in the Zillah Court of Furruckabad, and the Judge of that Court, on application made to that effect, shall execute the decree in the same manner in which a decree of the said Zillah Court is executed.

COINAGE.

ACT No. XIII. OF 1836.

[*Passed on the* 23*d May,* 1836.

1. *Calcutta Sicca Rupee to cease to be a legal tender from the* 1*st of January,* 1838.

2. *Repeals Section* 5, *Regulation* 25, 1817. *Pice struck at Benares and Furruckabad to be a legal tender only within those provinces. Proclamation.*

I. It is hereby enacted, that from the first of January, 1838, the Calcutta Sicca Rupee shall cease to be a legal tender in discharge of any debt, but shall be received by the Collectors of Land Revenue, and at all other Public Treasuries by weight, and subject to a charge of 1 per cent. for re-coinage.

II. And it is hereby enacted, that from the 1st of June, 1836, Section V. Regulation XXV. 1817, of the Bengal Code, which provides that " the Pice struck at the Mints of Benares and Fur-

ruckabad agreeably to the provisions of Regulation X. 1809, and Regulation VII. 1814, and Regulation XXI. 1816, shall be considered as circulating equally with the Pice of Calcutta coinage throughout the Provinces of Bengal, Behar and Orissa, and shall in like manner be received as a legal tender in payment of the fractional parts of a Rupee of the local currency at the rate of sixty-four Pice for each Rupee," shall be repealed—and the said Pice shall be a legal tender only within the Provinces and places for which they were respectively coined, as provided by Regulation X. 1809, Regulation VII. 1814, and Regulation XXI. 1816, respectively.

FORT WILLIAM, FINANCIAL DEPARTMENT, THE 23D MAY, 1836.

The Right Hon'ble the Governor General in Council having this day passed an Act, whereby it is declared that after the 1st of January, 1838, the Calcutta Sicca Rupee shall cease to be a legal tender in payment of any debt or demand, but shall be received at the Public Treasuries as Bullion by weight and subject to a seignorage duty of 1 per cent. to pay the expense of re-coinage—Notice is hereby given, that the holders of Calcutta Sicca Rupees shall be entitled until the said date to pay the same into the General Treasury of Calcutta, and to receive in exchange new or Company's Rupees coined under the provisions of the Act No. XVII. of 1835, at the rate of 16 new or Company's Rupees for every 15 Calcutta Sicca Rupees of due weight. The Collectors of Land Revenue will be furnished with the means of similarly exchanging Calcutta Sicca Rupees for new Rupees, and Notice will give ben by the Collector in each District of the date from which the exchange will commence at his Treasury. The period to be allowed being in no instance less than three months.

The Right Hon'ble the Governor General of India in Council having repealed Section V. Regulation XXV. 1817, under which the privilege of circulation in Bengal and Behar at the rate of 64 Pice to the local rupee was given to the Trisoolee Pice of Benares, it is hereby notified to the holders of Pice of this description, that on delivery of the same at the Calcutta Mint, if of proper weight and not manifestly spurious, they shall receive for every 720 Pice paid in, 640 new Company's Pice, coined under the Act No. XXI. of 1835, until the 1st July next, but the Mint Officers will not

receive Pice in smaller quantities than above stated, that is, of the value of Ten Rupees for each exchange, and they shall be at liberty to reject as spurious any Pice not of due weight and device, or manifestly not coined at a Government Mint.

See Index, Coinage.

BENGAL.—CUSTOMS.

ACT No. XIV. OF 1836.

Passed on the 30th May, 1836.

1. *Regulations imposing Transit and Town duties in the interior and fixing rates of Import Duty on Sea Goods repealed. Except as regards the Jumna and any Frontier Line, and duties on Western Salt.*

2. *Import Duties to be levied according to Schedule A. annexed.*

3. *Export Duties to be collected on Country Goods according to Schedule B. annexed.*

4. *No Goods entered therein as liable to duty, to be exempted, except by order of Government. But the Collector may pass Baggage belonging to passengers at his discretion.*

5. *Existing Rules to be enforced for levying the new Import and Export Duties.*

6. *Place may be fixed by Governor of Bengal, beyond which an inward-bound Vessel is not to proceed until a Manifest has been delivered to Pilot, to be forwarded.*

Master to be responsible for its correctness under penalty of Rs. 1,000.

Goods in excess, or not corresponding with Manifest, to be seized and confiscated, or charged with increased Duties.

The Masters of Vessels lying below place fixed by Governor of Bengal, to deliver Manifests on coming to anchor.

If remaining at anchor 24 *hours without sending Manifest to be subject to penalty of* 1,000 *Rupees.*

7. *No Vessel to break bulk unless two copies of Manifest have been received: order to break bulk may be refused until port-clearances, &c. from place from which the ship has come are delivered.*

8. *Collector may send Custom House Officer on board any Vessel; who shall remain on board till she sails.*

9. *Persons refusing to admit Custom House Officers, or not giving them proper accommodation, liable to Fine not exceeding* 500 *rupees.*

10. *Collector may order a Vessel to be searched.*

Bulkheads to be broken open if not opened on requisition.

Any concealed Goods to be confiscated.

Resistance or refusal of Masters punishable with fine of 1,000 *Rupees.*

11. *Goods not to be landed or put on board till entry of the Ship is duly made.*

Cargo to be sent ashore and laden outwards according to existing Forms.

12. *Goods unmanifested not to be landed in ordinary form; but to be seized on board.*

Master to be answerable that all Goods manifested are forthcoming and duly passed. Under Penalty of 500 *Rupees for each missing package of unknown value, or double Duty if assessable.*

Rule for presenting an amended or supplemental manifest.

13. *Custom House Officers taking unauthorized Fees or Bribes subject to penalty of* 500 *Rupees.*

Same penalty on persons offering fees or bribes.

14. *Collector to investigate and adjudge confiscation.*

Board's confirmation necessary.

15. *Twenty or thirty days allowed to clear inwards according to tonnage.*

After which time the Master shall pay charges of Custom House Officer.

Master to land Goods if Consignees do not.

If these fail to do so Collector may land and warehouse.

And may land packages before twenty days with consent of Master.

16. *Further period of* 15 *or* 20 *days for continuous lading for export.*

If the Vessel be laid up, Tide waiter to search and leave, certifying that it is empty.

20 *and* 30 *days, according to tonnage, allowed for lading a Vessel outwards after being laid up, but search and certificate that nothing is on board necessary.*

17. *When penalty has been incurred by a Master—The Collector may refuse Port Clearance of the Vessel till it be paid.*

18. *Goods shipped after Port Clearance to pay double Duty, and* 5 *per cent. if free of duty.*

19. *In case of re-landing for damage, &c. Officer to proceed on board to watch. And Cargo not to be exempt from Duty on re-export unless all the while in charge of Custom House Officers.*

Proviso for re-importation when Duties and Drawbacks are to be refunded.

And Master to forfeit the value of Drawback, Goods not forthcoming.

20. *No refund of Export Duty after Port Clearance.*

21. *Arab and other foreign Asiatic Vessels to be deemed foreign.*

22. *Dhoonies, &c. to be required to anchor in a particular part of the River.*

Penalty if not moved to said Ghat when required, 100 *Rupees.*

Vessel, its Equipment or Cargo may be seized.

Dhoonies, &c. from Maldives and Nicobars to be British Vessels.

I. It is hereby enacted, that from the first of June next, such parts of Regulations IX. and X. 1810, Regulation XV.* 1825, and of any other Regulations of the Bengal Presidency as pre-

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* For the other Acts regulating the Customs, see the INDEX.

scribe the levy of Transit or Inland Customs Duties, or of Town Duties; and likewise the Schedules of Duties and Provisions of any kind contained in these or any other Regulations for fixing the amount of duty to be levied upon Goods imported into or exported from the said Presidency by sea, shall be repealed. Provided, however, that nothing herein contained shall be construed to prevent the levy of duties at the rates now in force at the Custom Houses and Chokies established on the line of the Jumna, or on any Frontier line, upon Goods crossing that line for import into, or export from the territory of the East India Company by land, nor to affect the Regulations in force for imposing and levying duties on Salt, the produce of Western and Central India.

II. And it is hereby enacted, that duties of Customs shall be levied on Goods imported by Sea into Calcutta or into any other place within the Provinces of Bengal and Orissa according to the rates specified in Schedule A. annexed to this Act, and with the exceptions specified therein, and the said Schedule with the Notes attached thereto, shall be taken to be a part of this Act.

III. And it is hereby further enacted, that duties of Customs shall be levied upon Country Goods exported by Sea from any Port of Bengal or Orissa according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified, and the said Schedule, with the Notes attached thereto, shall also be taken to be a part of this Act.

IV. And it is hereby enacted, that no Goods or Articles whatsoever entered in either of the said Schedules as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor of Bengal.— Provided, however, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House, to pass free of duty, as heretofore, any Baggage in actual use, at his discretion, and in case of any person applying to have Goods passed as such, the Collector acting under the orders of the Board of Customs, Salt and Opium, shall determine whether they be Baggage in actual use, or Goods subject to Duty, under the Rules of this Act.

V. And it is hereby enacted, that the Rules and Regulations now established for the levy of duties of Customs on Goods im-

ported into or exported from Calcutta, and other Ports of the Presidency of Fort William in Bengal, shall continue to be in force and shall be observed and applied for the levy of the Import and Export duties imposed by this Act, unless repealed or altered or repugnant to the provisions thereof.

VI. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, by an Order printed in the *Calcutta Gazette,* to fix a place in any River or Port in Bengal or Orissa, beyond which place it shall not be lawful for any inward-bound Vessel, save and except such Dhoonies and Country Craft as are referred to in Section XXII. of this Act, to pass until the Master or Commander shall have delivered to the Pilot on board, for the purpose of being forwarded, by the public dawk or otherwise, as may be ordered by the Board of Customs, Salt and Opium, a Manifest, made out in the form prescribed by Section XLV., Regulation IX. 1810. And it is hereby enacted, that if the Manifest so delivered by the Master and Commander shall not contain a full and true specification of all the Goods imported in the Vessel, the Master or Person in charge thereof, shall be liable to a fine of 1,000 Rs.; and any Goods or Packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized and confiscated, or to be charged with such increased Duties as may be determined by the Board of Customs, Salt and Opium; and if any inward bound Vessel shall remain outside, or below the place so fixed by the Governor of Bengal, the Master or Commander shall in like manner, deliver to the Pilot, so soon as the Vessel shall anchor, a Manifest as above prescribed; and if any Vessel entering a Port for which there is a Custom House established, shall lie at anchor therein for the space of twenty-four hours, the Master and Commander whereof shall neglect to deliver the said Manifest to the Pilot on board, he shall, for such neglect, be liable to forfeit the sum of 1,000 Rs., and no Entry or Port Clearance shall be given for such Vessel, until the fine is paid.

VII. And it is hereby enacted, that no Vessel shall be allowed to break bulk until the Manifest described in the preceeding section of this Act, and another copy thereof to be presented at the

time of applying for entry inwards, shall have been received by the Collector of Customs, and order shall have been given by the said Collector for the discharge of the cargo, and the said Collector may further refuse to give such order if he shall see fit until any Port Clearances, Cocketts, or other papers known to be granted at the places from which the Vessel is stated to have come shall likewise be delivered to him.

VIII. And it is hereby enacted, that it shall be competent to the Collector of Customs at any Port of Bengal or Orissa, at his discretion to send one or more Officers of Customs on board of any Vessel at any time, and the Custom House Officers so sent, shall remain on board of such Vessel by day and by night, until the Vessel shall leave the Port, or until it be otherwise ordered by the Collector of Customs.

IX. And it is hereby enacted, that any Master or Person in charge of such Vessel who shall refuse to receive a Custom House Officer on board when so deputed as above provided, or shall not afford such Officer suitable shelter and sleeping accommodation while on board, shall be liable to fine, not exceeding the sum of 500 Rupees for each day during which such Officer shall not be received and provided with suitable shelter and accommodation, which fine shall be adjudged by and at the discretion of the Board of Customs, Salt and Opium at Calcutta, and the Vessel by the Master or Person in charge of which such fine shall have been incurred, shall not be moved until the same shall be paid.

X. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any Vessel shall be searched, he shall issue his warrant or written order for the same, addressed to the Custom House Officer on board, or to any other Officer under his authority, and upon production of such order, the Officer bearing it shall be competent to require any Cabins, Lockers or Bulkheads to be opened in his presence, and if not opened upon his requisition, to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs, shall be confiscated; and any Master or Person in charge of a Vessel, who shall resist such Officer, or refuse to allow the Vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for

every such offence, to a fine of 1,000 Rupees, to be adjudged by any Magistrate or Justice of the Peace of the place.

XI. And it is hereby enacted, that no Goods shall be allowed to leave any Vessel, or to be put on board thereof until entry of the Vessel shall have been duly made in the Custom House of the Port, and Order shall have been given for discharge of the Cargo thereof as above provided, and it shall be the duty of the Custom House Officer on board, and of all Officers of Customs, to seize as contraband any Goods which shall have been removed or put on board of any Vessel in contravention of the above provision, or which any attempt shall have been made to remove from or to put on board of any Vessel in contravention of the above provision. And after entry of the Vessel at the Custom House in due form, such part of the Cargo as may not be intended and declared for re-exportation in the same Vessel shall be sent to land. And Export Cargo shall be laden on board thereof according to the rules and practice now in force, and if an attempt be made to land or put on board Goods or Merchandize in contravention thereof, the Goods or Merchandize shall be liable to seizure and confiscation.

XII. Provided however, and it is hereby enacted, that no Goods shall be allowed to leave any Vessel under the said rules, unless the same be duly manifested, and any Goods found on board in excess of the Manifest, or not corresponding with the specification and description therein contained, shall be seized by the Custom House Officer on board, in order that they may be dealt with as prescribed in Section VI. of this Act; and if Goods entered in the Manifest shall not be found on board the Vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if Goods sent out of the Vessel be not landed at the Custom House, or at such other Ghaut or place as the Collector of Customs shall have prescribed or permitted, there to be passed in due form, the Master or Commander shall be liable to a penalty not exceeding 500 Rupees for every missing or deficient package of unknown value, and for twice the amount of Duty chargeable on the Goods deficient and unaccounted for, if capable of being assessed therewith. Provided, however, that nothing herein contained, shall be construed to prevent the Collector of Customs from permitting the Master or Commander of any Vessel, to amend obvious errors

or to supply omissions from accident or inadvertence by furnishing an amended or supplemental Manifest, but the receiving of such shall always be discretionary.

XIII. And it is hereby enacted, that any Custom House Officer whatsoever who shall demand or accept any gratuity not authorized by any existing Regulation or Order of Government in consideration of doing, or of omitting to do, any act in his Official capacity, shall forfeit for every such offence, the sum of 500 Rupees, and any person who shall offer a Bribe to any Custom House Officer in order to induce such Officer to act in a manner inconsistent with his duty, shall forfeit a like sum; and these penalties shall be adjudged on conviction before any Magistrate or Justice of the Peace of the Town, District, or Place where the Custom House may be established by such Magistrate, and in default of payment, any person so convicted shall be committed to the Civil Jail of the City or District until the fine be paid, or for a period not exceeding six months.

XIV. And it is hereby enacted, that when Goods shall be seized as contraband and liable to confiscation, the Collector of Customs shall investigate the case, and, according to his judgment, shall either release the Goods or adjudge them to confiscation; and whenever he shall declare Goods to be confiscated, he shall report his proceeding for confirmation and final adjudication by the Board of Customs, Salt and Opium. Provided, however, that nothing herein contained shall be construed to prevent the Governor of Bengal from ordering the release of Goods seized, or from remitting any penalty whatsoever that may be incurred for contravention of the Customs Laws.

XV. And it is hereby further enacted, that twenty days, exclusive of Sundays and Holidays, shall be allowed for the discharge of the Import Cargo of Vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and Holidays, for the discharge of the Import Cargo of Vessels exceeding that burthen, and the said periods shall be calculated from the day of the Tide Waiter or other Custom House Officer first going on board. And if the whole Cargo be not discharged by the expiration of the above stated periods respectively, the Master or Commander shall be charged with the Tide Waiter's or other Officer's Wages, and

other expenses for any further period that he or they may be detained on board. And if the Owners, Importers or Consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master or Commander so to do. And if any Goods remain on board after the time fixed as above for the discharge of the Import Cargo, the Collector may order the same to be landed and warehoused for the security of the duties chargeable, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master for the same. Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of the Master of the Vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouse for the security of the Duties and Charges thereon, although twenty days may not have expired from the entry of such Vessel; and in case Goods so landed and warehoused, or any Goods brought to land from any Vessel be not claimed and cleared from the Custom House within three months from the date of landing, it shall be competent to the Collector to sell the same on account of the Duties, Freight and other Charges incurred and due thereon.

XVI. And it is hereby enacted, that a further period of fifteen days, Sundays and Holidays excluded, shall be allowed for putting on board Export Cargo if the Vessel shall not exceed 600 tons burthen, and twenty days, if exceeding that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case, not be charged with the wages and expenses of the Custom House Officer on board until after the expiration of such additional periods respectively. And if a Vessel having discharged its Import Cargo shall be laid up, the Custom House Officer on board shall be withdrawn so soon as he shall certify that no Goods remain on board excepting necessary Stores and Articles for use, and when a Vessel so laid up, shall be entered at the Custom House for receipt of Export Cargo, a Custom House Officer shall be sent on board, and if the said last-mentioned Officer shall certify that no Goods are on board saving as above excepted, twenty days, exclusive of Sundays and Holidays as above, shall be allowed from the date of such certificate for the lading outwards of a Vessel not exceeding 600 tons, and thirty days for Vessels exceeding that burthen, after which periods respectively,

the Master and Commander shall be charged with the wages and expenses of the Custom House Officer on board to the date of the Vessel's sailing from the Port.

XVII. And it is hereby enacted, that if any person in charge of a Vessel shall have become liable to any penalty, fine or demand, on account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the Orders of the Board of Customs, Salt and Opium, to refuse Port Clearance to such Vessel until the fine shall be discharged.

XVIII. And it is hereby enacted, that upon any Goods passed through the Custom House for shipment, the application for which shall be presented after Port Clearance shall have been taken out, double the prescribed Duty shall, in all cases, be levied, and if the Goods be free, five per cent upon the market value shall be levied thereon.

XIX. And it is hereby enacted, that when a Vessel having cleared out from any Port shall put back from stress of weather, or it shall, for any damage or from other cause, be necessary that the Cargo of a Vessel that has cleared out, shall be unshipped or re-landed, a Custom House Officer shall be sent to watch the Vessel and take charge of the Cargo during such re-landing or removal from on board; and the Goods on board such Vessel shall not be allowed to be transhipped or re-exported, free of duty, by reason of the previous settlement of Duty at the time of first export, unless the Goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other Vessel, under special charge of the Officers of Customs until the time of re-export, and all charges attending such custody, shall be borne by the Exporter or by the Applicant for this advantage. Provided, however, that in all cases of return to Port after Port Clearance, on account of damage or for stress of weather, it shall be lawful for the Owner, or for the Master and Commander to re-enter the Vessel and land the Cargo under the rules for the importation of Goods, and the Export Duty shall in that case be refunded, and the amount paid in Drawback be reclaimed, and the Goods be placed in all respects as before being passed for exportation; and if Goods, on account of which Drawback has been paid, be not found on board the Vessel, the Master

shall forfeit the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

XX. And it is hereby enacted, that when Goods shall be re-landed before the lading of any Vessel is complete and Port Clearance has been granted, the Duty levied upon such Goods, shall be returned to the Exporter, but no refund shall be made of Duty paid on the export of any Goods after Port Clearance shall have been granted for the Vessel on which the Goods were exported, except the Vessel shall have put back for stress of weather or for damage, and the Goods shall have been re-landed under the Rule contained in Section XIX. of this Act.

XXI. And it is hereby further enacted, that Vessels owned by Natives of Arabia and coming from the Ports thereof, and likewise the Vessels of any Country or Port of Asia not subject to the Dominion of the King of the United Kingdom of Great Britain and Ireland, excepting Dhoonies and small Craft from the Maldive and Nicobar Islands as herein under provided, shall be deemed Foreign Vessels.

XXII. And it is hereby enacted, that Dhoonies, Country Craft, and other small Vessels, not brought into the Port of Calcutta by Pilots, shall be required to anchor and moor in such part of the River Hooghly as shall be marked out by the Collector of Customs, with the sanction of the Board of Customs, Salt and Opium, and if any such Vessel shall anchor in any other part of the River than as so marked out, and the Master or Person in charge thereof shall not immediately upon being ordered so to do move his Vessel to the place marked out, he shall be liable to a fine of 100 Rupees, to be adjudged by the Collector of Customs, and the Vessel or any part of its Equipment or Cargo may be seized and sold in satisfaction of such fine, and Goods shall be landed from such Vessels and put on board for Export according to such rules and at such places as shall be prescribed by the Collector of Customs, and Vessels of this description coming from the Maldives, or from the Nicobar Islands shall be considered as British Vessels.

SCHEDULE A.

Rates of Duty to be charged on Goods imported by Sea into any Part of the Presidency of Fort William in Bengal.

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
1	Bullion and Coin,......	Free..........	Free.
2	Precious Stones and Pearls,....	Ditto.	Ditto.
3	Grain and Pulse,.............	Ditto.	Ditto.
4	Horses and other Living Animals,	Ditto.	Ditto.
5	Ice,.......	Ditto.	Ditto.
6	Coal, Coke, Bricks, Chalk and Stones,................	Ditto.	Ditto.
7	Books printed in the United Kingdom, or in any British Possession,....	Ditto.	3 per Cent.
8	Foreign Books,................	3 per Cent....	6 per Cent.
9	Marine Stores, the produce or manufacture of the United Kingdom, or of any British Possession,......	3 per Cent....	6 per Cent.
10	Do. do. the produce or manufacture of any other place or country,................	6 per Cent....	12 per Cent.
11	Metals wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession, ...	3 per Cent....	6 per Cent.
12	Metals, do. do. excepting Tin, the produce or manufacture of any other place, ...	6 per Cent....	12 per Cent.
13	Tin, the produce of any other place than the United Kingdom, or any British Possession,...........	10 per Cent....	20 per Cent.
14	Woollens, the produce or manufacture of the United Kingdom, or any British Possession,.......	2 per Cent....	4 per Cent.
15	Do. the produce of any other place or country,..........	4 per Cent....	8 per Cent.
16	Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom, or of any British Possession,......	3½ per Cent....	7 per Cent.
17	Do. the produce of any other place,..................	7 per Cent....	14 per Cent.
18	Opium,.....	24 Rs. per Seer of 80 Tolas,..	24 Rs. per Seer of 80 Tolas.
19	Salt,.........	Rs 3-4 per Md of 80 Tolas per Seer.....	Rs. 3-4 per Md. of 80 Tolas per Seer.
20	Alum,......	10 per Cent....	20 per Cent.
21	Camphor,...................	10 per Cent....	20 per Cent.
22	Cassia,.......	10 per Cent....	20 per Cent.
23	Cloves,.	10 per Cent....	20 per Cent.

SCHEDULE A.—(CONTINUED).

Rates of Duty to be charged on Goods imported by Sea into any Part of the Presidency of Fort William in Bengal.

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
24	Coffee,........	7½ per Cent...	15 per Cent.
25	Coral,....:........	10 per Cent...	20 per Cent.
26	Nutmegs and Mace, ...	10 per Cent....	20 per Cent.
27	Pepper,......	10 per Cent....	20 per Cent.
28	Rattans,..................... .	7½ per Cent...	15 per Cent.
29	Tea, ...	10 per Cent....	20 per Cent.
30	Vermillion,........	10 per Cent....	20 per Cent.
31	Wines and Liqueurs, ...	10 per Cent....	20 per Cent.
32	Spirits, Consolidated Duty, including that levied heretofore through the Police of Calcutta, ... And the Duty on Spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the Imperial Gallon.	9 As per Imperial Gallon,	16 As. per Imperial Gallon.
33	All Articles not included in the above enumeration,	3½ per Cent...	7 per Cent.

And when the Duty is declared to be *ad valorem* it shall be levied on the Market value without deduction, and if the Collector of Customs shall see reason to doubt whether the Goods come from the Country from which they are declared to come by the Importer, it shall be lawful for the Collector of Customs to call on the Importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of duty, subject always to an appeal to the Board of Customs, Salt and Opium.

And upon the Re-export by Sea of Goods imported, excepting Opium and Salt, provided the re-export be made within two years of the date of Import as per Custom House Register, and the Goods be indentified to the satisfaction of the Collector of Customs, there shall be retained one-eighth of the amount of Duty levied and the remainder shall be repaid as Drawback. And if Goods be re-exported in the same ship without being landed (always excepting Opium and Salt, in regard to which the special rules in force shall continue to apply,) there shall be no Import Duty levied thereon.

SCHEDULE B.

Rates of Duty to be charged upon Goods Exported by Sea from any Port or Place in the Presidency of Fort William in Bengal.

No.	*Enumeration of Goods.*	*Exported on British Bottoms.*	*Exported on Foreign Bottoms.*
1	Bullion and Coin,....	Free, ...	Free.
2	Precious Stones and Pearls, ...	Ditto, ...	Ditto.
3	Books printed in India,........	Ditto, ...	Ditto.
4	Horses and Living Animals,....	Ditto, ...	Ditto.
5	Opium purchased at Government Sales in Calcutta, ...	Ditto, ...	Ditto.
6	Cotton Wool exported to Europe the United States of America or any British Possession in America,......	Ditto, ...	8 As. per Md. of 80 Tolas to the Seer.
7	Ditto ditto exported to places other than above, ...	As. 8 per Md. of 80 Tolas per Seer, ...	As. 16 per Md. of 80 Tolas to the seer.
8	Sugar and Rum exported to the United Kingdom, or to any British Possession, ...	Free, ...	3 per Cent.
9	Ditto exported to any other place,	3 per Cent.....	6 per Cent.
10	Grain and Pulse of all sorts,..	1 Anna per bag not exceeding 2 Mds of 80 Tolas to the Seer, or if exported otherwise than in bags ½ an Anna pr. Maund,	2 As. per bag not exceeding 2 Mds. of 80 Tolas to the Seer, or if exported otherwise than in bags, 1 Anna per Maund.
11	Indigo,...........	Rs. 3 per Md. of 80 Tolas to the Seer,........	Rs. 6 per Md. of 80 Tolas to the Seer.
12	Lac Dye and Shell Lac,........	4 per Cent.....	8 per Cent.
13	Silk, Raw Filature,..........	3½ As. per Seer of 80 Tolas,..	7 As. per Seer of 80 Tolas.
14	Silk, Bengal Wound, ...	3 As. per Seer of 80 Tolas,..	6 As per Seer of 80 Tolas.
15	Tobacco,......	4 As. per Md...	8 As. per Md.
16	All Country Articles not enumerated or named above, ..	3 per Cent.....	6 per Cent.

And when the Duty is declared to be *ad valorem*, the same shall be levied on the market value of the Article at the place of Export, without deduction.

And in settling for the Duties on Exports by Sea, credit shall be given for payment of Inland Customs Duty, and Drawback shall be allowed of any excess of Duty paid upon production of Ruwanas under the following Conditions, until the 1st April, 1837:

First.—That the Goods shall be identified, and destination to the Port of Export proved in the usual manner.

Second.—That the Ruwanas shall bear date before the 1st April, 1836, and the Goods shall not have been protected thereby, or by the original thereof, more than two years.

And after the said 1st April, 1837, credit shall not be given, nor shall Drawback be allowed, of any Inland Customs or Land Frontier Duty, paid at any Custom House or Chokee of the Jumna Frontier Line, or of Benares, except only upon the Article of Cotton Wool covèred by Ruwanas taken out at the Custom Houses of the Western Provinces, and proved to have been destined for Export by Séa when passed out of those Provinces.

FORT WILLIAM, GENERAL DEPARTMENT, THE 30TH MAY, 1836.

Under the powers conferred by the 6th Section of the Act No. XIV. of this year, the Governor of Bengal has fixed the Station of Kedgeree, in the River Hooghly, as the place beyond which no Vessel, inward bound, shall pass, until the Master and Commander shall have delivered a Manifest of the Cargo and Goods laden therein drawn up in the form prescribed by Section XLV. Regulation IX. 1810, to the Pilot on Board, in order that it may be forwarded to Calcutta in such manner as may be ordered by the Marine Board.

SUBATHOO AND ANNEXED TERRITORIES.

ACT No. XV. OF 1836.

[*Passed on the 13th June,* 1836.

The Functionaries in political charge of Subathoo shall be under the control in civil cases of the Sudder Dewanny Adawlut at Allahabad, subject to instructions from the Governor General of India in Council.

It is hereby enacted, that the Functionary or Functionaries who are, or may be, appointed to the Political Charge of Subathoo and the other Territories annexed thereto, be placed under the Control and Superintendence in Civil Cases,• of the Court of Sudder Dewanny Adawlut at Allahabad; and that such Control and Superintendence shall be exercised in conformity with such instructions as the said Functionary or Functionaries may have received, or may hereafter receive, from the Governor General of India in Council.

MADRAS.—APPOINTMENT OF VAKEELS.

ACT No. XVI. OF 1836.

[*Passed on the 20th June,* 1836.

1. *The Additional Government Commissioner appointed by Regulation of 1833, may nominate a Vakeel in his Office, who, if approved, shall receive a Sunnud of appointment.*

2. *The said Commissioner may suspend his Vakeel, reporting his reasons.*

3. *The Provincial Court may dismiss any such Vakeel.*

4. *The said Commissioner shall frame a body of rules for the practice and remuneration of the Vakeels.*

5. *None to Act as Vakeels, but those appointed in manner directed by this Act.*

I. It is hereby enacted, that from the 1st day of August, 1836, it shall be lawful for the Additional Government Commissioner appointed by Regulation IV. of 1833, of the Madras Code, to nominate for the approbation of the Provincial Court of the Centre Division any person whom the said Commissioner may think fit to be a Vakeel in the Office of the said Commissioner; and if the Provincial Court shall approve of such nomination, the person nominated shall be appointed a Vakeel in the Office of the said Commissioner, and shall receive a sunnud of appointment on unstamped paper, duly authenticated by the said Commissioner.

II. And it is hereby enacted, that it shall be lawful for the said Commissioner to suspend any such Vakeel from his functions, but in every such case, the said Commissioner shall forthwith report such suspension and the grounds thereof, to the said Provincial Court.

III. And it is hereby enacted, that it shall be lawful for the said Provincial Court to dismiss any such Vakeel.

IV. And it is hereby enacted, that the said Commissioner shall frame with all convenient speed, a body of rules for the practice and remuneration of the Vakeels of his Office, and shall submit the same to the Court of Sudder Adawlut of Fort St. George, and that the said rules, when approved by the said Court of Sudder Adawlut, shall be of the same force as if they were inserted in this Act.

V. And it is hereby enacted, that no person not appointed a Vakeel in the manner directed by this Act, or under suspension, or after dismission, shall act as a Vakeel in the Office of the said Commissioner.

TERRITORIES OF BEGUM SUMROO.

ACT No. XVII. OF 1836.

[*Passed on the* 20*th June*, 1836.

1. *When any of the Territories lately held by the Begum Sumroo shall be annexed to any district, the laws in force in the district shall be in force in such territories also.*

2. *The Criminal Courts shall not take cognizance of any offence committed in such Territories until specially empowered.*

3. *No Civil Court to take cognizance of any claim, if previously adjudicated upon by a Court competent to pronounce a decision.*

I. It is hereby enacted, that whenever the Governor General in Council shall order, that any of the Territories which were lately held by the Begum Sumroo, and which lapsed to the East India Company on the 27th of January, 1836, shall be annexed to any District under the Government of the said Company, all Laws and Regulations now in force within such District, shall be in force in the Territories so annexed to such District.

II. And it is hereby enacted, that the Criminal Courts shall not take cognizance of any offence committed in the said Territories previously to the 27th of January, 1836, unless specially empowered by the Governor General in Council so to do.

III. And it is hereby enacted, that no Court of Civil Judicature shall take cognizance of any claim within the said Territories, with respect to which claim a final decision may have been previously pronounced by any Court, which at the time of pronouncing such decision, was competent to pronounce such decision.

BOMBAY.—TOLLS.

ACT No. XVIII. OF 1836.

[*Passed on the 5th September,* 1836.

I. It is hereby enacted, in modification of Section I. Regulation IX. of 1830, of the Bombay Code, that from the 1st day of October next, every Labor Cart, and every Labor Hackery, not having springs, and having wheels of less diameter than three feet six inches, and the tyers less in breadth than three inches, shall be subject, at the Bhore Ghaut, in passing, to a Toll not exceeding half a rupee, if such Cart or Hackery be drawn by two Bullocks, and not exceeding a rupee, if such Cart or Hackery be drawn by four Bullocks.

II. And it is hereby enacted, that the collection of Toll which by the second Section of the Regulation aforesaid, was placed under the Superintendence of the Collector of the Northern Konkan, shall from the said 1st day of October next, be under the Superintendence of such person as the Governor of Bombay in Council shall appoint.

III. Nothing in the foregoing Sections shall be construed as interfering with the right of Government to grant such exemptions as may be deemed proper from payment of the prescribed Toll.

Repealed together with Regulations IX. of 1830, and XI. of 1831, by Act No. II. of 1837, by which last mentioned Act other Tolls are established.

BANK OF BENGAL.

ACT No. XIX. OF 1836.

[*Passed on the 19th September,* 1836.

I. It is hereby enacted, that from the day of the passing of this Act any person may hold Capital Stock of the Bank of Bengal to an amount not exceeding 1,60,000 Company's Rupees, and that any existing Proprietor of Stock of the said Bank, may subscribe for additional Stock of the said Bank in proportion to his interest, any restriction in the Charter of the said Bank contained notwithstanding.

II. And it is hereby enacted, that the sum of 70 lacs of Sicca Rupees which is the increased Capital Stock of the said Bank, shall, on or before the 1st of October, 1836, be made up by the Governor General of India in Council, to the sum of 75 lacs of Company's Rupees.

III. And it is hereby enacted, that the said sum of 75 lacs of Company's Rupees shall, from the 1st day of October, 1836, be the Capital Stock of the said Bank, and shall be divided into 1875 Shares of 4,000 Company's Rupees each.

IV. And it is hereby enacted, that 275 of the said Shares numbered from 1 to 275 inclusive, shall be the property of the Governor General of India in Council on behalf of the East India Company, and that the remaining 1,600 Shares numbered from 276 to 1875 inclusive, shall be the property of those persons who, on the said 1st of October, 1836, shall be Proprietors of the Capital Stock of the said Bank, and that every such Proprietor shall, for every sum of Sicca Rupees 3750 of Stock of the said Bank held by him, be entitled to one of the said Shares.

V. And it is hereby enacted, that on the 30th of September, 1836, the account of the Profits upon the Capital Stock of the said Bank, as consisting of 50 lacs of Sicca Rupees, divided into 500 Shares, shall be wound up, and a dividend declared; and that from the 1st of October 1836, the holders of the new Shares of 4,000 Company's Rupees each, shall be entitled to share in the Profits of the Bank in proportion to their interest, and that the first dividend on the said new Shares, shall be declared on the 1st of January, 1837.

VI. And it is hereby enacted, that if the subscription for any Share shall not be paid up on or before the 1st of October, such Share shall become the property of the said Bank, and shall be sold for the benefit of the said Bank, and the Profits of such sale, shall be added to the profits of the said Bank.

VII. And it is hereby enacted, that certificates shall be granted for the said Shares of 4,000 Company's Rupees each, in the same manner in which Certificates have hitherto been granted for Shares of the Capital Stock of the said Bank; and that the said Shares of 4,000 Company's Rupees each shall be registered, and shall be transferable and assignable in the same manner, in which Shares of the Capital Stock of the said Bank have hitherto been.

VIII. And it is hereby enacted, that the said Shares of 4,000 Company's Rupees each, may be sub-divided into Quarter Shares of 1,000 Company's Rupees each, and that such Quarter Shares may be assigned, transferred and reunited, in the same manner in which fractional parts of Shares of the Capital Stock of the said Bank, have hitherto been assigned, transferred and reunited.

IX. And it is hereby enacted, that the Proprietors of the Capital Stock of the said Bank shall, from the 1st day of October, 1836, be entitled at their meetings, to vote according to the following scale:

1 Share of 4,000 Co.'s Rs. shall entitle to	1	Vote.
5 Shares	2	Votes.
10 „	3	„
15 „	4	„

20 Shares	5 Votes.
30 „	6 „
40 „	7 „

Act No. XVI. of 1839, rescinds the above and Act No. XXIV. of 1838, save as to such particulars as are therein mentioned.

BENGAL.—REVENUE.

ACT No. XX. OF 1836.

[*Passed on the 19th September,* 1836.

1 *Repeals part of Clause* 3, *Section* 3, *Regulation* 11, 1822.

2 *No Butwarra while in progress shall be quashed by Board of Revenue, except as herein provided.*

3 *Board may give six months' notice of intention to quash any Butwarra. Notice to be affixed in office of Collector and Moonsiff. Butwarra may be quashed if not objected to within six months.*

4. *Legalizes acts before* 1*st October,* 1836.

I. It is hereby enacted, that from the 1st day of October, 1836, so much of Clause 3, Section III. Regulation XI. of 1822 of the Bengal Code, as provides "that Joint Estates shall not be liable to Sale for arrears that may accrue during the progress of a Butwarra or Partition, until the expiration of the year within which the arrear may become due"—be repealed.

II. And it is hereby enacted, that from the said 1st day of October, 1836, no Butwarra while in progress, shall be quashed by the Board of Revenue, or by any Officer invested with the powers of the said Board, except as hereinafter provided.

III. And it is hereby enacted, that it shall be lawful for the said Board, or for any of the said Officers, to give six months' notice in writing of an intention to quash any Butwarra; and such notice shall be affixed at the Offices of the Collector of the District and Moonsiff of the jurisdiction, within which the lands under partition, or part of those lands, may be situated: and if within six months after such notice no party to the said Butwarra, shall deliver to the said Collector a written declaration, that he the said party objects to the quashing of the said Butwarra, it shall

be lawful for the said Board, or the said Officer to quash the said Butwarra.

IV. And it is hereby enacted, that every Butwarra which, before the said 1st day of October, 1836, may have been quashed by the said Board, or by any of the said Officers, shall be taken by all Courts to have been lawfully quashed.

The object of this Act is, to prevent a Butwarra or Partition in progress from operating as a suspensive bar or obstacle to a sale of land for arrears of Revenue, after a certain notice has been given, for the purpose of ascertaining whether the parties to the Butwarra object to its being quashed: if such party declares no objection within six months after notice, the Butwarra is quashed: the notice required, is a notice affixed at the offices of the Collector of the District and Moonsiff of the Jurisdiction.

BENGAL.—CREATION OF ZILLAHS

ACT No. XXI. OF 1836.

[Passed on the 19th September, 1836.

The G. G. in C. may, by order in Council, create new Zillahs, and alter the limits of existing Zillahs.

It is hereby enacted, that from the 1st day of October, 1836, it shall be lawful for the Governor General in Council, by an Order in Council, to create new Zillahs in any part of the Presidency of Fort William in Bengal, and to alter the limits of existing Zillahs.

BENGAL.—EASTERN CANAL TOLLS.

ACT No. XXII. OF 1836.

Passed on the 26th September, 1836.

I. *Repeals Regulation* 7, 1810, *and such parts of Regulation* 18, 1806, *as relate to the Eastern Canal called Tolly's Nullah.*

2. *Governor of Bengal may prescribe the amount of Toll on boats &c. entering on, or passing out of or through the Eastern Canal on either of two specified lines.*

3. *Toll not to exceed amounts in this section specified.*

4. *The said Governor may fix a rate of rent to be levied on every boat which shall remain in any part of the line longer than two days, not exceeding amount specified.*

5. *The said Governor may appoint Officers to collect the Tolls and to prevent obstructions and injuries.*

6. *Whoever wilfully causes any obstruction or damage, shall be punishable with imprisonment not exceeding* 14 *days, or fine not exceeding* 50 *rupees or both, and in default of payment fourteen days further imprisonment.*

7. *Notifications of the rates of Toll and Rent and places of Collection and of all rules to be published in the Calcutta Gazette and exposed at every Toll-house in English, Persian and Bengalee.*

8. *If the toll or rent is not paid on demand, the boat, raft, or cargo may be seized and sold after ten days, unless paid in the interval: the excess raised by sale, after payment of expences to be returned to the owner.*

9. *If any person in charge of any boat &c. attempt to evade payment, or resist seisure, such boat &c. shall be forfeited.*

I. It is hereby enacted, that from the first day of November, 1836, Regulation VII. of 1810 of the Bengal Code, and also such parts of Regulation XVIII. of 1806 of the Bengal Code, as relate to the Eastern Canal, commonly called "Tolly's Nullah," which connects the River Hooghly with the Sunderbunds, shall be repealed.

II. And it is hereby enacted, that from the said first day of November 1836, the Governor of Bengal shall be competent to prescribe the amount of Toll, and the mode of levying the same, on boats, rafts and floats, which shall enter on, or pass out of, or through, either of the two lines of navigation hereinafter described —that is so say,

1st. The Eastern Canal aforesaid from its entry into the Sunderbunds, to its junction with the River Hooghly.

2nd. The line made up of the Channel across the Salt-water

Lake to Baminghatta, of the Canal leading from the Salt-water Lake to the Boitakhana Road, and of the new Circular Canal which connects the last-mentioned Canal with the River Hooghly.

III. Provided always, that the aggregate amount of Toll levied on account of the whole passage along either of the two lines aforesaid, or on account of entering into, or passing out of, either of the two lines aforesaid, shall in no case exceed one Rupee and a half for every hundred Maunds burden on any boat, or two Annas for every timber, on every raft of timber, or four Annas for every hundred bamboos, on every float of bamboos.

IV. And it is hereby enacted, that the said Governor shall be competent to fix a rate of rent to be levied on every boat which shall remain in any part of either of the lines aforesaid longer than two days for every hundred Maunds of burden, and on every raft of timber which shall so remain longer than one day for every ten timbers, and on every float of bamboos which shall so remain longer than one day, for every two hundred bamboos.

V. And it is hereby enacted, that the said Governor shall be competent to appoint Officers for the collection of the Tolls and Rent hereinbefore mentioned, and to confer on such Officers, for the purpose of preventing acts whereby either of the said lines of navigation may be obstructed, or whereby the banks along either of the said lines of navigation may be damaged, any or all the powers possessed by Magistrates in respect to navigable Streams and Rivers.

VI. And it is hereby enacted, that whoever wilfully causes any obstruction of either of the said lines of navigation, or any damage to the banks along either of the said lines of navigation, shall be punishable, on conviction before the Magistrate, with imprisonment for a term not exceeding fourteen days, or fine to an amount not exceeding 50 Rupees, or both; and in default of payment of such fine, with additional imprisonment for fourteen days.

VII. And it is hereby enacted, that Notifications of the rates of Toll and Rent, and of the places of collection, and of all Rules made by the said Governor under the authority given to him by this Act, shall be published in the Calcutta Gazette, and exposed to public view at every Toll-house on either of the said lines, in the English, Persian, and Bengalee tongues.

VIII. And it is hereby enacted, that if the Toll or Rent due in respect of any boat, raft or float, on either of the said lines, shall not be paid on demand to an Officer authorized by the said Governor to receive the same, it shall be lawful for such Officer to seize such boat, raft or float, and the cargo thereof, and to detain the same, and if the said Toll or Rent shall have been paid upon any day before the tenth day after such seizure, then the said boat, raft or float, shall be released, or if not paid within the said ten days, it shall be lawful for such Officer, with the sanction, and under the directions of the Superintendent of Canals, to sell the property seized, or so much thereof as the said Superintendent shall direct, for the purpose of satisfying the Toll or Rent which may be due, and also of defraying the expenses of seizure and detention; and in every such case, so much of the property seized which has not been sold, and so much of the price of the property sold as is in excess of the sum necessary for satisfying the Toll or Rent which is due, and for defraying the expenses of seizure and detention, shall be returned to the Owner of the boat, raft or float.

IX. And it is hereby enacted, that if any person in charge of any boat, raft or float, shall attempt to evade payment of the Toll or Rent due thereon, or shall resist a seisure made by the authority and under the circumstances hereinbefore described, such boat, raft or float and the cargo thereof, shall be forfeited to the Government under orders of the Superintendent, subject to appeal to the Commissioner of Revenue and Police.

MADRAS.—THE ZEMINDAREES OF GOOMSUR AND SOORADA IN THE DISTRICT OF GANJAM.

ACT No. XXIII. OF 1836.

[*Passed on the* 10*th October,* 1836.

1. *The ordinary functions of the Courts of Justice suspended, until revived by proclamation.*
2. *The Governor of Fort St. George may appoint a Commissioner, with powers to be derived from the said Governor in Council.*
3. *This Act not to affect the jurisdiction of the Court of Circuit or Sudder Foujdaree Adawlut in cases pending.*
4. *Court of Circuit and of Sudder Foujdaree Adawlut may have criminal jurisdiction over persons committed by Commissioner for trial.*

FORT WILLIAM, LEGISLATIVE DEPARTMENT, 10TH OCT. 1836.

Resolution—The Zemindarees of Goomsur and Soorada, in the District of Ganjam, have long been in a state of the utmost disorder and confusion. The revenue due to Government has for many years past been paid with great irregularity. The Zemindars have frequently been in a state of actual rebellion. The authority of Government has been openly resisted, and the most atrocious acts of violence and outrage have been perpetrated by the Zemindars and their adherents. Although such measures as were consistent with the principles and provisions of the existing Regulations have, from time to time, been adopted by Government and by the local Authorities, with a view to the establishment of good order and permanent tranquillity in those Zemindarees, the attainment of that important object has been frustrated by peculiar obstacles arising from the nature of the country, the character of the inhabitants, and other special and local difficulties. The failure of all measures hitherto adopted under the existing laws to restore tranquillity—the increasing prevalence of disorders which, if not speedily suppressed, may extend to the neighbouring estates, and the continued resistance opposed to the authority of Government, have at length rendered it necessary that the ordinary functions of the Courts of Civil and Criminal Justice, and the operation of the general Regulations should, for the present, be suspended in that part of the Districts of Ganjam, commonly known under the denomination of the Zemindarees of Goomsur and Soo-

rada, and that a Commissioner should be appointed for those Zemindarees for the purpose of exercising such powers, and discharging such duties, as may be especially entrusted to him, under the instruction of the Governor in Council of Fort St. George, with a view to the collection of the rents, the establishment of a Regular Police, and the restoration of public order and tranquillity.—His Lordship in Council has therefore been pleased to direct that the following Act be passed, that it is hereby passed accordingly, and promulgated for general information.

ACT NO. XXIII. OF 1836.

I. It is hereby enacted, that from the 15th day of November, 1836, the ordinary functions of the Courts of Civil and Criminal justice, and of the constituted Revenue Authorities, as well as the operation of the whole of the existing Regulations, shall be suspended within the Zemindarees of Goomsur and Soorada, and shall continue to be so suspended until this Act shall be repealed, or until such time as the Governor in Council of Fort St. George shall, by an order in Council and proclamation, declare that the ordinary Regulations shall be again put in force within those Zemindarees.

II. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George to appoint a Commissioner for the said Zemindarees who shall exercise such powers as may be entrusted to him by the said Governor in Council of Fort St. George, and shall be guided in the discharge of his duties and functions by such instructions as he from time to time, shall receive from the said Governor in Council.

III. And it is hereby enacted, that nothing in this Act shall be construed to affect the jurisdiction of the Court of Circuit, or Court of Sudder Foujdaree Adawlut in any case which may be depending before either of these Courts on the 15th day of November, 1836.

IV. And it is hereby enacted, that the Court of Circuit and Court of Sudder Foujdaree Adawlut shall have Criminal jurisdiction over every person whom the Commissioner in Goomsur and Soorada, under the instructions of the Governor in Council of Fort St. George, may commit for trial, on the charge of any crime per-

petrated before or during the operation of this Act, and in all such cases, the Court of Circuit and of Sudder Foujdaree Adawlut shall be guided by the general Regulations in force.

MADRAS AND BOMBAY.

ACT No. XXIV. OF 1836.

[*Passed on the* 10*th October*, 1836.

1. *Officers designated in the Regulations of Fort St. George as Native Judges shall be designated as Principal Sudder Ameens.*

2. *Ditto as to the Bombay Presidency; and Principal Native Officers and Junior Native Commissioners, to be respectively designated as Sudder Ameens and Moonsiffs.*

3. *Every British-born subject, or descendant, who shall be appointed a Principal Sudder Ameen, Sudder Ameen or Moonsiff, in the Presidencies of Fort St. George or Bombay, shall, in respect of his official acts, be amenable to the jurisdiction of the same tribunals as if he were not of British origin.*

5. *No person shall by reason of place of birth or of descent be exempted from the jurisdiction of the assistant Judge of Bombay.*

I. It is hereby enacted, that the Officers who in the Regulations of the Presidency of Fort St. George are designated as Native Judges and Criminal Judges, shall, from the 1st day of November, 1836, be designated as Principal Sudder Ameens.

II. And it is hereby enacted, that from the said first day of November, 1836, the Officers who in the Regulations of the Presidency of Bombay are designated as Native Judges, shall be designated as Principal Sudder Ameens; and the Officers who in the said last mentioned Regulations are designated as Principal Native Commissioners, shall be designated as Sudder Ameens, and the Officers who in the said last mentioned Regulations are designated as Junior Native Commissioners, shall be designated as Moonsiffs.

III. And it is hereby enacted, that from the said first day of November, 1836, no person whatever shall, by reason of place of birth or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the Territories subject to the Presidencies of Fort St. George and of Bombay.

IV. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall

be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff in the Territories subject to the Presidency of Fort St. George or of Bombay, shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceedings, as well Criminal as Civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

V. And it is hereby enacted, that, from the said first day of November, 1836, no person shall, by reason of place of birth, or by reason of descent, be exempted in any Civil proceeding from the jurisdiction of the Assistant Judges in the Territories subject to the Presidency of Bombay.

See Act No. XI. of 1836.

PUBLIC WAREHOUSING ACT.

ACT No. XXV. OF 1836. (a)

[*Passed on the* 31*st October*, 1836.

1. *Government of Presidencies to declare Warehousing Ports.*
2. *Importers may then Warehouse.*
3. *Making application in Form A. annexed. Goods first to be assessed for Customs Duty. Warehouse-keeper to be answerable for weight or guage of the Custom House allowing for wastage.*
4. *Misdescription of Tale Goods or Packages to injury of revenue, punishable by fine of ten times the loss. Error of overstatement may be rectified before, not after entry into Warehouse.*
5. *Packages to be marked and numbered before reception into Warehouse.*
6. *When the Duty exceeds* 100 *Rs. Bond may be executed for it in Form B. And Goods may then remain in Warehouse for fifteen months without demand of Duty. Bond to be for twice the Duty and to bear interest from the date of demand. The Obligee to be bound for all duties and charges claimable on the Goods and for all penalties.*
7. *But Collector to have power to proceed against the Goods or under the Bond at his option. And to detain Goods and sell after ten days if the demand be not paid. Proceeds of Sale to be written off on the Bond, and surplus paid over to the Owner of the Goods. No transfer to bar this process.*

(a) Act No. XIII. of 1841 is an Act for explaining the provisions of Act No. XXV. of 1836. It relates merely to allowance for ullage in wine and spirits.

8. *After fifteen months the Board may renew the Bond for other fifteen months.*

9. *Goods re-landed from a Vessel put back may be Warehoused without Bond and re-shipped under the previous Settlement of Duties. Exception.*

10. *Reserved Duty on re-export to be chargeable on removal of Goods for Shipment, and Bonds to be cancelled on payment thereof.*

11. *On removal, otherwise than for re-export, or if not cleared in time, full Import Duty to be levied with interest and charges. And Collector may cause Goods to be sold in satisfaction if not paid in ten days.*

12. *Removal of Goods to be noted in the Bond with particulars.*

13. *And the same particulars to be Registered in the Register of Bonds. When Registry shows all the Bonded Goods to have been cleared out, Bond to be cancelled and returned to the Obligee.*

14. *The Custom House Godowns and other Government Godowns to be Public Warehousees. These to be under the Collector's or Warehouse-keeper's key.*

15. *Board to determine what Goods are to be receivable into Public Warehouse, and the terms and rates of Warehouse rent or hire. Table of Rates to be exposed conspicuously.*

16. *Owners to have access to their Warehoused Goods, attended by a Custom House Officer during business hours.*

17. *Expenses of carriage, packing, &c. are to be borne by the Owners, and to be realized as Customs Duties. Bill for Rent to be sent in monthly, and if not paid in ten days Goods may be sold in satisfaction. Collector not answerable for loss by fire or other accident, nor for damage.*

18. *Wastage to be allowed as per Table.*

19. *Board may License any Private Warehouses. License to be revocable at pleasure unless otherwise stipulated.*

20. *Applications for License for Private Warehouses to be in Form C. with particulars filled up.*

21. *Collector or Warehouse-keeper to have access to all Licensed Warehouses for himself and his Officers. Proprietors refusing admittance subject to penalty of* 1,000 *Rs. and withdrawal of License. Bonds for Duty to be put in suit seven days after notice of such penalty or of withdrawal of License.*

22. *If Goods be found deficient beyond the wastage allowance at time of delivery from Warehouse, owner to forfeit ten times the Duty on the deficiency. If found excessive ten times the Duty to be paid on the excess, and Goods to be detained till paid.*

23. *Collector of Customs may issue Warrant for breaking Packages to search and examine Goods. When re-packed to be sealed and seal not to be re-broken without sanction of Board, except under application from Proprietor. Then to be re-sealed.*

24. *Goods to be stamped on reception into or delivery from Warehouse. The stamp not to be removed or effaced without sanction of Collector, under Penalty of* 500 *Rupees on conviction before a Magistrate. But Owners may be allowed by the Collector to take samples.*

25. *Goods not to be removed from Warehouse without being passed through the Custom House.*

26. *If a Package be broken, Duty to be levied on all the Goods contained herein.*

27. *Applications to remove Goods to be made in Form D. And twenty-four hours' Notice to be given of removal.*

28. *Goods may be removed from one Warehouse to another, application being made in Form E.*

29. *No Duty to be levied on Goods destroyed by fire or other accident; and if damaged, Duty to be levied on the damaged value.*

30. *Penalties under this Act to be adjudged by the Collector of Customs, subject to confirmation by the Board, or other superior authority of Customs.*

I. It is hereby enacted, that it shall be lawful for the Governor, or Governor in Council of any Presidency, to declare any Port within the Territories of such Presidency, a Warehousing Port.

II. And it is hereby enacted, that it shall be lawful for any person who imports Goods into any such Warehousing Port, to lodge such Goods in any Public Warehouse, or in any Private Warehouse, licensed in the manner hereinafter described.

III. And it is hereby enacted, that applications shall be made for the admission of such Goods into such Warehouses as aforesaid in the Form A. annexed to this Act, and the said Form shall be signed by the Importer, Owner, or Consignee; and no Goods shall be lodged in any such Warehouse until they shall have been assessed for Customs Duty, according to the Rules in force at the place of importation, and the Keeper of every such Warehouse shall be answerable for the weight or guage reported by the Custom House Officers, who shall have assessed the said Goods, deducting the wastage hereinafter allowed.

IV. And it is hereby enacted, that when Goods shall be passed by tale or by package, every omission or misdescription tending to injure the revenue, shall be an offence punishable with fine, not exceeding ten times the greatest amount of duty which could have been lost to the Government in consequence of such omission or misdescription; and if Goods shall have been overstated in quantity or value, the error may be rectified prior to the lodging of the said Goods in such Warehouse as aforesaid, but not after the said Goods have been so lodged.

V. And it is hereby enacted, that no packages of Goods shall

be admitted into any Public or Licensed Warehouse unless numbered and marked in plain and legible characters, with the initials of the Owner, Importer or Consignee, and with a description of the Goods contained therein.

VI. And it is hereby enacted, that upon Goods Warehoused under the provisions of this Act, when the Import Duty chargeable shall exceed the sum of 100 Rupees, the Importer or Consignee shall be allowed to execute a Bond for the amount of duty chargeable in the Form hereunto annexed marked B.; and when such Bond shall have been executed, the Goods shall be allowed to remain in Warehouse for a period not exceeding fifteen months, without being liable to the demand of Import Duty thereon. And the Bond to be taken under this Section, shall be for twice the amount of Import Duty assessed on the Goods: and shall stipulate for interest to be payable from the date of the demand of any sum due on account of the Goods at such rate not exceeding six per cent., as shall be fixed by the Board or other controling authority of Customs: and the Party executing the same, shall be bound thereby for the payment of all Duties and Charges that shall be claimable on account of the Goods, and of any penalties that may be incurred for violation of the Custom Laws in respect to the same.

VII. Provided always, that if any Owner, Importer, or Consignee shall omit to pay any duty or penalty that may fall due on account of Goods Warehoused under this Act, it shall be lawful for the Collector of Customs at his option, either to proceed upon the Bond, or to cause such portion of the Goods Warehoused on account of which the duty or penalty may be demanded, as to him may seem fit, to be detained in satisfaction thereof; and if the demand be not discharged within ten days from the date of such detention (due notice thereof being given to the Importer, Owner, or Consignee) the Goods so detained shall be liable to be sold in satisfaction of the demand. And the proceeds of any sale so made of Goods detained, shall be written off upon the Bond in discharge thereof to the amount received less the charges of the sale; and if there be any surplus obtained from such sale beyond the amount demanded, such surplus shall be paid over to the Owner or Consignee of the Goods, and no transfer or assignment of the Goods shall prevent the Collector from proceeding against the Goods in

the manner above provided for any demand of Customs Duties or Penalty claimed thereon.

VIII. And it is hereby provided, that if at the end of fifteen months the Owner or Consignee of Goods shall desire to keep them in Warehouse for a further period, the Board or other controlling authority of Customs shall be competent to permit him so to keep them for a like further period not exceeding fifteen months, on the Bonds being renewed by the parties applying for the same.

IX. And it is hereby enacted, that when a Vessel after having cleared from the Port shall return, and the Owners, Agents, or Shippers of the Cargo of such Vessel or any part thereof, shall desire to land the same for re-export, such Goods shall be admitted to Warehouse, and being so declared and registered, re-export may be made thereof under the previous Settlement for Duty, unless the bottom in which the re-export is made be one on account of which the Goods are chargeable with increased Duty, in which case the Goods shall be chargeable only with the difference, and no Bond shall be taken on account of Duties for such re-landed Goods unless the Goods should be liable to duty on being passed through the Custom House for Importation.

X. And it is hereby enacted, that upon the re-exportation by Sea of Goods Imported and Warehoused under Bond for the Duty, as provided in this Act, within the period during which such Goods are by this Act permitted to continue in Warehouse, and upon payment of all reserved Duty which may be due on account of such Goods, and of any charges or penalties that may have been incurred on account of the Goods, the Bond executed at the time of lodging the Goods in Warehouse, shall be deemed to have been discharged and be cancelled accordingly.

XI. And it is hereby enacted, that if any Goods lodged in Warehouse in the manner aforesaid, shall be removed or taken from the Warehouse otherwise than for exportation by Sea, or if the Goods be not cleared from the Warehouse and exported at the expiration of the time during which such Goods are permitted by this Act to remain in Warehouse, the Collector of Customs shall demand the full amount of Import Duty chargeable thereon, and any charges or penalties that may have been incurred. And if the amount so claimed, be not paid within ten days from the date of

the demand, the Collector of Customs shall be entitled to realize the same, either by putting the Bond in suit, or at his option, by causing the Goods, or any sufficient portion thereof, to be sold in satisfaction of the demand.

XII. And it is hereby enacted, that whenever any Goods, Warehoused and Bonded as aforesaid, shall be removed from any Public or Licensed Warehouse, the Collector of Customs shall cause such removal to be noted on the back of the Bond, and every note so made, shall specify the quantity and description of Goods removed, the purposes for which they have been removed, the date of removal, and name of the person removing them, and the number and date of the Export Pass under which they have been taken away, if removed for exportation by sea; and of the Import Pass or Order if removed for importation, and the amount of duty paid.

XIII. And it is hereby enacted, that a Register shall be kept of all Bonds entered into for Customs Duties on Goods Warehoused as aforesaid, and entry shall be made in the said Register of all particulars prescribed in the preceding Section of this Act, as to be noted on the Bond, and when the Register shall show that the entire quantity of the Goods covered by any Bond has been withdrawn from Warehouse either through importation and the payment uof Duties, or throgh re-exportation by Sea and payment of the reserve Duties upon such re-export, it shall then be competent to, and be the duty of, the Collector of Customs to cancel the Bond as discharged in full, and to deliver it so cancelled to the Parties who shall have executed, or who shall be authorized to receive the same.

XIV. And it is hereby enacted, that the Warehouses of the Custom House, together with such other Buildings as shall be directed by the Governor in Council, or Governor of the Presidency or Settlement, shall be Public Warehouses for the reception of the Goods under the provisions of this Act. And every Public Warehouse shall be under the lock and key of the person whom the Governor, or Governor in Council of the Presidency, shall appoint to be Keeper of such Warehouse; and such Keeper shall be responsible for all duties connected with the charge of Goods, their reception into, and delivery from, the Warehouses.

XV. And it is hereby enacted, that the Board or other con-

trolling authority of Customs, shall determine what Goods shall be admitted into every Public Warehouse, in what manner, and on what terms; and shall, from time to time, fix rates of hire for every Public Warehouse, or for the custody of Goods therein, and a Table of the Rates so fixed shall be placed in a conspicuous part of every such Warehouse.

XVI. And it is hereby enacted, that the Owners or Consignees of Goods lodged in a Public or Licensed Warehouse under this Act, or their Agents, shall have access to their Goods at any time, within the hours of business, in the presence of a Custom House Officer, who shall be deputed to accompany them, upon their making application in writing to the Collector of Customs, or to the Warehouse-keeper for the purpose.

XVII. And it is hereby enacted, that the expenses of carriage, packing, and stowage of Goods, on their reception into, or removal from, a Warehouse shall, if paid by the Collector or Warehouse-keeper, be chargeable on the Goods, and be defrayed by the Owners or Consignees, in like manner as the Customs Duties before the Goods are removed. And if the Goods be lodged in a Public Warehouse, the Owners or Consignees, shall further pay monthly the Rent and Warehouse Dues, on receiving a Bill or written demand from the Collector or Warehouse-keeper for the same. And if the Bill for Rent or Warehouse Dues, be not discharged within ten days from the date of presentation, the Collector of Customs shall have power, (any private transfer or assignment of the Goods notwithstanding) to cause to be sold by Public Auction such sufficient portion of the Goods as he may select in liquidation of his demand. And the Owners and Consignees of Goods shall not be entitled to claim from the Collector of Customs, or Warehouse-keeper, any compensation for any loss that may occur while the Goods are passed into, or out of, the warehouse, or while they remain therein, unless such loss or injury shall be proved to have been occasioned by the wilful act or neglect of the Warehouse-keeper, or his Officers, or of the Officers of Customs.

XVIII. And it is hereby enacted, that allowance shall be made for the wastage of Goods deposited in Warehouses according to the following Table, as the rate of wastage for one year, and the Import

Duty, shall be settled on the quantities registered at the time of Importation, wastage at these rates notwithstanding:

Table of Wastage to be allowed upon Goods when applied to be removed either from Public or Private Licensed Warehouses.

Description of Goods.		*Rate of Wastage.*
Alkali,		5 per cent.
Alums,		3 ,,
Aromatic Seeds,	Anise,	3 ,,
	Coriander,	3 ,,
	Cummin,	3 ,,
	Calizerah,	3 ,,
	Cardamums,	3 ,,
	Jowain,	3 ,,
Beetlenut,		7½ ,,
Brimstone,		3 ,,
Camphor,		2 ,,
Coffee,		5 ,,
Copperas or Green Vitriol,		5 ,,
Cotton Wool,		2 ,,
Dry Ginger,		10 ,,
Gums and Drugs, not otherwise specified,		3 ,,
Iron wrought Bars,		3 ,,
Indigo,		5 ,,
Kutch or Terra Japonica,		3 ,,
Lac, Lake Stick and Seed,		3 ,,
Long Pepper and Long Pepper Root,		3 ,,
Oils, Essential and Fragrant,		8 ,,
Resin or Dammer,		7½ ,,
Sago,		4 ,,
Sugar,		4 ,,
Saltpetre,		4 ,,
Soap,		3 ,,
Silk,		5 ,,
Spices,	Cloves,	8 ,,
	Cinnamon,	2 ,,
	Cassia,	2 ,,
	Mace,	8 ,,
	Pepper,	6 ,,
	Pimento or Allspice,	2 ,,
Tobacco, unprepared,		5 ,,
Turpentine,		8 ,,
Tutenague,		2 ,,

Wines and Spirits in Casks—*a deduction for ullage of* 10 *per cent shall be allowed at the time of being received into Warehouses.* (*a*

(*a*) See Act No. XIII. of 1841, which, instead of the above deduction, allow ullage at the rate of 10 per cent for one year, according to the time for whicl such wine and spirit shall have been lodged.

XIX. And it is hereby enacted, that the Board or other Controlling Authority of Customs, shall have power to License Warehouses belonging to private persons for the reception of Goods, with duty bonded under the rules of this Act, in like manner as prescribed for Public Warehouses; and every License so granted to a Private Warehouse, shall be liable to be revoked at pleasure by the Board, or other Controlling Authority of Customs, unless otherwise specifically stipulated in the License.

XX. And it is hereby enacted, that applications for Licenses for Private Warehouses, shall be drawn up in the Form marked C. annexed to this Act, and shall specify the particulars therein stated and the situation of the Warehouses, and their distances respectively, from the Custom House in English Yards.

XXI. And it is hereby enacted, that the Collector of Customs, or other Warehouse-keeper, shall have access for himself, or for any Officer he may depute for the purpose, to any Private Warehouse licensed as above. And if the Proprietor thereof shall not open the same when required, or shall refuse to admit the Collector or Warehouse-keeper, or the Officer of either upon demand made, at any time within the hours of business at the Port, the Proprietor of the Warehouse shall be liable to a fine not exceeding 1,000 Rupees, and further to have the License for the Warehouse cancelled and withdrawn, and all Bonds executed for Duty chargeable upon Goods therein deposited, shall become due and be put in suit for the levy of the duty and other demands of Customs, after seven days shall have passed from the date when the Collector of Customs or Warehouse-keeper shall give notice of any License being withdrawn.

XXII. And it is hereby enacted, that if Goods lodged in a Private Warehouse shall be found to be deficient at the time of delivery therefrom beyond the allowance for wastage prescribed in the Table annexed to Section XVIII. of this Act, the Owner or Consignee, or other Party who may have lodged the Goods in the Warehouse, shall, unless the deficiency be accounted for to the satisfaction of the Collector of Customs, forfeit to Government a sum equal to ten times the Duty chargeable on the quantity of Goods deficient; and if Goods be found to exceed the registered quantity, such excess unless similarly accounted for, shall be charg-

ed with ten times the ordinary Duty thereon; and when any penalty shall be incurred under this section, the Goods shall not be removed until the same is paid.

XXIII. And it is hereby enacted, that the Collector of Customs shall have authority at any time to issue his Warrant or written Order, and to cause any Goods or Packages lodged in a Public or Private Warehouse to be opened and weighed, or otherwise examined as he may direct. And after Goods shall have been so opened or examined, he shall cause the same to be sealed or marked in such manner as to him may seem fit, and when Goods shall have been so sealed or marked (after examination) they shall not be again opened without permission from the Board, or other Controlling Authority of Customs, except when the Proprietor or Consignee shall apply to have them opened, and in every such case, the Packages shall be again sealed or marked as before.

XXIV. And it is hereby enacted, that when Goods shall be received into Warehouse, or shall be removed therefrom, the Packages shall be stamped with a conspicuous seal or stamp containing the words—

Warehoused and Duty Bonded.

or

Delivered for Exportation.

or

Removed for Importation.

accordingly as the Goods may be received or removed for one or other pnrpose; and any person who shall remove or efface a stamp or seal affixed by an Officer of Customs, or who shall change the outer cover of any package so marked, or change the contents thereof while Goods are in Warehouse, without giving notice and

obtaining permission of the Collector of Customs, shall for every such offence forfeit the sum of 500 Rupees upon conviction before a Magistrate or Justice of Peace of the place. Provided however, that the Owners and Consignees of Goods shall be at liberty to take out samples of their Goods of such limited quantity as shall be deemed by the Collector of Customs, reasonable and proper.

XXV. And it is hereby enacted, that no Goods shall be removed from any Warehouse except under application to tho Collector of Customs for the goods to be passed for Export or for Importation, in like manner as for other Gooods passed through the Custom House, or for removal to another Warehouse, as prescibed in Section XXVIII. of this Act.

XXVI. And it is hereby enacted, that if any Owner or Consignee of Goods, shall in any way break a Package for removal of any part of the Goods, the entire Duty shall be levied for all the Goods contained therein.

XXVII. And it is hereby enacted, that applications to remove Goods from Warehouse shall be made in the Form marked D. hereunto annexed, and twenty-four hours' notice shall ordinarily be given to the Collector of Customs or Warehouse-keeper of the intention to remove Goods.

XXVIII. And it is hereby enacted, that Owners or Consignees of Goods Warehoused and Bonded for Duty under this Act, may remove the same from one Public or Licensed Warehouse to any other, and when they shall desire so to remove Goods, they shall make application in the Form marked E. hereunto annexed, furnishing the information specified, and filling up the columns left blank in the said form, with all the particulars therein contained.

XXIX. And it is hereby enacted, that if Goods Warehoused and Bonded for Duty shall be destroyed by fire or other accident, no Duty shall be chargeable thereon, provided that if they be destroyed in a Private Warehouse notice thereof be given to the Collector of Customs or Warehouse-keeper, within forty-eight hours of the discovery of the accident. And if Goods when lodged in Warehouse shall receive damage, they shall be assessed for Duty according to their actual value and Bond for the same executed for the unexpired term of warehousing.

XXX. And it is hereby enacted, that whenever any person shall be charged with having committed any act or neglect for which he is liable to penalty under this Act, the Collector of Customs at the Port shall be competent to investigate the case, and to adjudge the penalty or to dismiss the complaint, as to him may seem fit. Provided, however, that if the Collector shall adjudge any penalty to be incurred, such judgment shall not be conclusive until the case shall have been reported to the Board or other superior authority of Customs, and the award shall have been confirmed by that Authority; and it is further enacted, that the Board or other Controlling Authority of Customs shall have the power of mitigating any penalty that may be incurred on account of Warehoused Goods to the extent of reducing the same to a levy of double Duty.

A.

FORM OF APPLICATION FOR THE RECEPTION OF GOODS IMPORTED BY SEA IN WAREHOUSES.

To the Collector of Sea Customs at Calcutta.

SIR,

Please to order the reception into the Government (or Private Warehouse of Mr. A. B. situate at and Licensed by No. , dated), of the undermentioned Goods, being of the growth or manufacture of (place to be stated), and arrived from (Port or Place to be mentioned) on the (British or other) Ship , whereof is Commander, the Duty upon which Goods has been adjusted in the manner hereafter specified.

Marks and Number of packages.	Description of Packages and Goods.	Contents of Goods	Rate of value of the Goods.	Amount value of the Goods as ascertained and entered on the landing of the same.	Rate of Duty both of Customs and Town Duty.	Date and No of Importation.	Specification of the particulars of Bonds if the Duty upon the Goods has been Bonded.
Total,							

(Date) (Signed) By the Owner, Agent, or Consignee of Goods.

B.

FORM OF BOND FOR IMPORT DUTY.

Know all Men by these Presents, that we now of Calcutta, at Fort William, in the Province of Bengal, in the East Indies, and of the same place, are jointly and severally held, and firmly bound unto the East India Company in the sum of Rs. to be paid to the said East India Company, or their certain Attorney, Agent, Successors or Assigns, for which payment well and truly to be made, we jointly and severally bind ourselves and each of us, and our respective Heirs, Executors, Administrators and Representatives, by these presents; sealed with our respective Seals, dated the day of in the year of Christ and the Said for themselves, and each of them and their respective Heirs and Representatives, covenant and agree, that in case of dispute touching the matter of this Obligation, or the Condition thereof, the same may be heard and determined in the Supreme Court of Judicature at

Whereas the above bounden hath (or have) applied to the Collector of Sea Customs of the said East India Company at for, and have obtained permission to, lodge in a certain Public (or Licensed) Godown, for a period of fifteen months, subject to the Rules or Regulations of Government, the following Goods, that is to say, (here a large blank should be left for describing the Goods) being of the growth or manufacture of and imported by Sea, from on board the ship and entered in the Custom House Books, as No. of the Register of Goods imported by Sea.

Now the Condition of this Obligation is such, that if the above bounden (the Principal) his or their Heirs, Executors, Administrators, Representatives, or Assigns, shall, in all things, well and truly observe and keep all and singular the Rules prescribed in Act No. XXV. of 1836, to be observed and kept by the Owners, Importers or Consignees of Goods bonded and warehoused, and by the persons obtaining permission to bond and warehouse Goods under the provisions thereof. And if the said (the Principal) his (or their if more than one) Heirs, Executors, Administrators, Representatives, or Assigns, do and shall

well and truly pay, or cause to be paid to the Collector of Customs for the time being, for the Port of all such Dues, whether of Customs or of Lawful Charges as shall be due, or demandable upon the said Goods, or on account of Penalties incurred in respect to them at or before the expiration of fifteen months from the date of these presents, or before, or at the expiration of such further time, as the Board of Customs shall allow in that behalf, together with interest thereon at the rate of per Cent. per Annum from the date of demand thereof being made by the said Collector of Customs in writing. And further, if the said Goods after being so warehoused, or any part thereof, shall not within the term so fixed, or to be enlarged, be removed from the said Public (or Licensed) Godowns, or in case the said Goods or any part thereof shall be removed from the said Public (or Licensed) Godowns, or in case the said Goods, or any part thereof, shall be removed from the said Public (or Licensed) Warehouse at any time within the said term either for Importation or for Exportation by Sea, then, and in such case, if the full amount of all such Duties, Charges and Penalties as may be payable or demandable as aforesaid, shall have been first paid and satisfied on the whole quantity of the said Goods;—then this Obligation to be void and of no effect; otherwise, and on breach or failure in the performance of the said several Conditions, or any of them, the same to be in full force and virtue. Sealed and delivered, &c.

C.

FORM OF APPLICATION TO OBTAIN LICENSE FOR PRIVATE WAREHOUSES.

To the Collector of Customs at Calcutta.

SIR,

Please to submit to the Board of Customs (or other Controlling Authority of Customs) my request to be furnished with a License under Act No. XXV. of 1836, for a Warehouse situate at and about the distance of yards from the Custom House, the dimensions and other particulars of the Godown are stated below, and the same is intended for the reception of all Goods as a general Store House, (or as the case may be) the period of License not to exceed (mention the time for which period).

Particulars of Godown.

Length, Feet, Inches, Breadth, ditto ditto, Height, ditto ditto, ..	Dry, airy, well-flued, and puckah built, can contain with perfect safety and convenience about tons of Goods.

The same being my own property (or the property of from whom I have engaged the same on a lease of).

(Signed) (By the Applicant.)

D.

FORM OF APPLICATION FOR REMOVAL OF GOODS FROM WAREHOUSES.

To the Collector of Government Customs.

SIR,

Please to order to be passed from the (Government or Private) Warehouse of Messrs. A. and Co., situate at (and Licensed under Act No. XXV. of 1836 by No. dated) the under-mentioned Goods intended for Exportation by Sea on the British Ship Captain bound to or for internal consumption; or to be consigned to (any Station in the interior as the case may be) the same having been entered in the Books of your Office for the said Warehouse, under No. dated by (me or by Messrs. B. and Co., whose certificate of the transfer of the Goods is herewith annexed.)

Marks and Numbers of Cases. B and Co (Name of the Goods.) No. 1 to 4. □ × √ Sealed. "Warehoused for Exportation."	Four Cases of (Name of Goods).. 1 Case, Box, Bale, or Parcel, containing (here insert the quantity in each case.) 1 Ditto. .... 1 Ditto. .... 1 Ditto. .... Four (Cases, Boxes, Bales, or Parcels) containing (total contents to be here stated).

Custom House value of the above, Rupees and please to receive the amount of Duty bonded for the said Goods, by Bond No. dated , allowing Drawback for Exportation on British Bottom (or as the case may be.)

(Signed)

(Either by the Owner, Agent, or Consignee of the Goods.).

E.

FORM OF APPLICATION FOR THE REMOVAL OF GOODS, FROM ONE WAREHOUSE TO ANOTHER, DURING THE PERIOD FOR WHICH THE INDULGENCE OF WAREHOUSING MAY HAVE BEEN OBTAINED.

To the Collector of Government Customs at Calcutta.

Sir,

Please to permit the removal of the undermentioned Goods from the (Government or other Licensed) Warehouse, to (the Warehouse into which the removal is intended to be made, must here be distinctly described) for the unexpired period of Warehousing due on the Goods, the same having been originally entered by virtue of Act No. XXV. of 1836 in the Books of the Warehouse Department, under No.   , dated   , for fifteen months (or such other period as may have been allowed, to be here stated) under all the Obligations and Conditions, at present, attached to the Goods.

Marks and Numbers of Packages.	Description of Packages and of Goods.	Contents of Packages.	Rate of value of Goods.	Amount of value of Goods as entered in Custom House Books.	Rate of Duty chargeable or paid upon the Goods.	Name of the Persons by Whom Goods first passed into Warehouses.

Note.—If the Goods to be removed shall have been sold or transferred by the original Proprietor or Agent, a Certificate of such Sale or Transfer shall accompany the Application.

(Signed) (By the Owner, Agent, or Consignee of the Goods.)

ACT No. XXVI. OF 1836.

[Passed on the 7th November, 1836.

1. *The Governor General of India in Council may appoint a Superintendent of the Police of the Camp whenever the Governor General or Commander-in-Chief of all the forces in India, or the Lieutenant Governor of the North West Provinces shall pass &c. attended by a Camp.*

2. *Such Superintendent to have concurrent jurisdiction with the Magistrate of the Zillah or City.*

3. *The Magistrate shall give effect to a commitment or sentence by such Superintendent, upon a copy thereof being transmitted to him.*

4. *All Officers shall be assistant to the Superintendent.*

1. It is hereby enacted, that as often as the Governor General of India, or the Commander-in-Chief of all the Forces in India, or the Lieutenant-Governor of the N. W. P., shall pass through any part of the Territories of the East India Company, attended by a Camp, it shall be lawful for the Governor General of India in Council, by an order in Council, to appoint a Superintendent of the Police of such Camp.

II. And it is hereby enacted, that with respect to all Offences committed in any such Camp, or on the line of march between the Stations of any such Camp, such Superintendent shall have concurrent Criminal jurisdiction with the Magistrate of the Zillah or City, within which such Offence shall have been committed.

III. And it is hereby enacted, that as often as the said Superintendent shall, by virtue of the powers conferred on him by the preceding Clause, commit any person for trial before the Sessions Court, or sentence any person to imprisonment, it shall be lawful for the said Superintendent to transmit such person to the Magistrate of the Zillah or City where the Camp shall then be, with a copy of the commitment or sentence, under the hand of him, the said Superintendent, and the said Magistrate shall give effect to such commitment or sentence.

IV. And it is hereby enacted, that all Officers subordinate to the Magistrate of the Zillah or City where such Camp shall be, shall be assisting to the said Superintendent in the exercise of the powers conferred on him by this Act, in the same manner as they are bound to be assisting to the said Magistrate.

MADRAS.

ACT No. XXVII. OF 1836.

[*Passed on the 7th November,* 1836.

1. *Repeals Regulation* 5, 1817.
2. *Candidates for the situation of Vakeel in the Courts of Adawlut shall be appointed under section* 3, *Regulation* 14, 1816, *and the qualifications of Candidates shall be ascertained by examinatioa before Law Officers under section* 3, *Regulation* 11, 1802, *and clause* 2, *section* 3, *Regulation* 7, 1822.

I. It is hereby enacted, that Regulation V. of 1817, of the Madras Code, entitled a Regulation for providing a succession of Hindoos and Mahomedans duly qualified to be employed as Law Officers and as Vakeels in the Courts of Adawlut under the Presidency of Fort St. George, be repealed.

II. And it is hereby enacted, that Candidates for the situation of Vakeel in the Courts of Adawlut under the Presidency of Fort St. George, shall in future be appointed under the Provisions of Section III. Regulation XIV. of 1816, and that the qualifications of Candidates for the situation of Law Officers be ascertained by examination before the Law Officers of the Court of Sudder and Foujdaree Adawlut, with reference to the Provisions of Section III. Regulation XI. of 1802, and Clause 2, Section III. Regulation VII. of 1822.

MADRAS.

ACT No. XXVIII. OF 1836.

[*Passed on the 7th November* 1636.

1. *No assessment made by Justices under* 33 *Geo.* 3, *Clause* 52 *shall be levied until approved by Governor in Council.*
2. *Governor in Council may exempt any District from payment of any assessment.*

I. It is hereby enacted, that from the First day of December, 1836, no Assessment made by the Justices of the Peace for the Presidency of Fort St. George, under the authority of the Act of Parliament of the 33 Geo. III. Cap. 52, shall be levied until the

same shall have been approved by the Governor in Council of Fort St. George.

II. And it is hereby enacted, that it shall be lawful for the said Governor in Council of Fort St. George, by an Order in Council, to exempt any District, or portion of a District, from payment of any such Assessment.

MADRAS JUDICIARY SYSTEM.

ACT No. XXIX. OF 1836.

[*Passed on the* 14*th November*, 1836.

1. *Court of Sudder Adawlut may, with the sanction of the Governor, augment or diminish the number of Sudder Ameens.*

2. *Fees of Registry of Zillah Courts and of Sudder Ameens for Judicial duties, abolished; but not fees for the Registry of deeds.*

I. It is hereby enacted, that from the 1st day of December, 1836, it shall be competent to the Court of Sudder Adawlut of Fort St. George, with the sanction of the Governor in Council, to augment or diminish at discretion, the number of Sudder Ameens within that Presidency.

II. And it is hereby enacted, that such parts of any of the Regulations in force as authorize the Registers of the Zillah Courts and Sudder Ameens within the Presidency of Fort St. George, to receive any fee or commission for Judicial duties performed by them, be repealed. Provided always, that this rule shall not be construed to prohibit the receipt of fees for the Registry of Deeds.

THUGGEE. (a)

ACT No. XXX. OF 1836.

[*Passed on the 14th November,* 1836.

1. *Whoever shall be proved to have belonged to any gang of Thugs, shall be imprisoned for life with hard labour.*

2. *Every person accused of the offence herein made punishable, may be tried by any Court which would have been competent to try him, if his offence had been committed within the Zillah.*

3. *No Court shall require a Futwa from any Law Officer, on any trial under this Act.*

I. It is hereby enacted, that whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of Thugs, either within or without the Territories of the East India Company, shall be punished with imprisonment for life with hard labour.

II. And it is hereby enacted, that every person accused of the offence made punishable by this Act, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits, any thing to the contrary in any Regulation contained notwithstanding.

III. And it is hereby enacted, that no Court shall, on a trial of any person accused of the offence made punishable by this Act, require any Futwa from any Law Officer.

By Act No. 18, of 1837, any person charged with murder by Thuggee, or with having belonged to a gang of Thugs, may be committed by any Magistrate or Joint Magistrate for trial before any criminal Court, competent: and by Act No. 18, of 1839, persons accused of murder by Thuggee, or of unlawfully receiving or buying property stolen or plundered by Thuggee, may be tried in any Zillah.

(a) For a list of Acts relating to this offence, See Index, title Thuggee.

MADRAS.

ACT No. XXXI. OF 1836.

[Passed on the 28th November, 1836.

Regulation* 4, 1831, *relating to Grants of Money or Land Revenue made by the British Government, shall be extended to similar grants made originally by any Native Government, and afterwards confirmed or continued by the British Government.

It is hereby enacted, that the provisions of Regulation IV. of 1831, of the Madras Code, relating to Grants of Money or Land Revenue made by the British Government, shall be extended to all similar grants within the Territories subject to the Presidency of Fort St. George, which having been made by any Native Government, have been confirmed or continued by the British Government.

BENGAL—SUGAR.

ACT No. XXXII. OF 1836.

[Passed on the 28th November, 1836.

1. *If any person lands or attempts to land in Bengal Sugar not the growth of a British possession, into which Foreign Sugar cannot legally be imported, such Sugar shall be seized and confiscated, unless the district into which such Sugar is landed be a district in which the Governor General in Council has authorized the importation of such Sugar.*

2 *and* 3. *Any owner of Sugar, the produce of the Territories subject to the Bengal Presidency, desiring to obtain a Certificate of origin, shall, in the presence of the officer from whom he desires to obtain such Certificate, make a declaration in the form A. contained in the Schedule; or in the form B. if the district be one into which the Governor General in Council has not authorized the importation of Foreign Sugar or Sugar the growth of any British possession into which Foreign Sugar can be legally imported.*

4 *and* 5. *Every person intending to ship Sugar from any place within the said Territories for the United Kingdom, may produce to the Collector of Customs or other authorized officer at that place, such a Certificate as aforesaid, and, in the presence of such Collector, make a Declaration in the form C. whereupon such Collector shall grant a Certificate in the form D.*

6. *Any person knowingly in any such declaration affirming an untruth, shall on conviction thereof before such Court as would be competent to try such*

person for perjury, be fined not exceeding 5,000 ***Rupees, and imprisoned not exceeding*** *2 years.*

Schedules A. B. C. D.

I. It is hereby enacted, that if any person after the 1st day of December 1836, *lands* or attempts to land* in any part of the Territories subject to the Government of the Presidency of Fort William in Bengal any Sugar which is not the growth of a British possession into which Foreign Sugar cannot be legally imported, such Sugar shall be seized and confiscated by the Collector of the Customs, or by any other Officer thereunto authorized by the Governor of the said Presidency, unless the district in which such Sugar is landed, or in which an attempt has been made to land such Sugar, be a district in which the Governor General of India in Council has authorised the importation of such Sugar.

II. And it is hereby enacted, that if any Owner of Sugar the produce of the said Territories, or duly authorized Agent of such Owner, desires to obtain a Certificate of origin from the Collector or Assistant Collector of the Land or Custom Revenue of any district within the said Territories, or from any other Officer appointed by the Governor General of India in Council to give such Certificates, such Owner or Agent shall, in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked A.

III. And it is hereby enacted, that if the district be one into which the Governor General of India in Council has not by any order authorized the importation of Foreign Sugar, or of Sugar the growth of any British Possession into which Foreign Sugar can be legally imported, the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the Declarant a Certificate in the form contained in the Schedule hereunto annexed marked B.

IV. And it is hereby enacted, that every person who intends to ship Sugar from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other Officer who may have

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* Or otherwise to import, see Act XI. of 1842.

been appointed by the Governor General of India in Council to act on such occasions in place of the Collector of Customs, a Certificate such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a Declation in the last mentioned form shall have been so made and subscribed, shall grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed marked D.

VI. And it is hereby enacted, that any person who shall in making any Declaration under the authority of this Act, knowingly affirm an untruth, shall on conviction thereof before such Court as would be competent to try such person for perjury, be punished by fine to an amount not exceeding 5,000 Rupees, and imprisonment for a term not exceeding two years.

SCHEDULES.

A.

I, A. B., solemnly declare that all the Sugar hereinunder described is, to the best of my knowledge and belief, the produce of the district of ————.

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.

(Signed) A. B.

The day of 18 .

B.

I, C. D., Collector of Land Revenue (or *Collector of Customs Revenne*, or *being an Officer appointed by the Governor General of India in Council to act in this behalf*) for the district of——— , do

hereby, in conformity with the provisions of Act No. XXXII. of 1836, grant this Certificate under my hand and seal that the Sugar hereinunder described is of the produce of the district of ———, and that the importation of Foreign Sugar and of Sugar the growth of any British Possessions into which Foreign Sugar can be legally imported is prohibited in the said district of ———.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of the Packages.	Name of the Declarant on whose Declaration the Certificate is given.

L. S. Signed C. D.

C.

I, E. F., Shipper of the Sugar hereinunder described, solemnly declare that all the Sugar hereinunder described, is, to the best of my knowledge and belief, the same Sugar to which the Certificate now produced by me relates.

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of Ship in which the Sugar is Shipped or to be Shipped.	Name of the Master of the Ship.

(Signed) E. F.

D.

I, G. H., Collector of Customs (or *being an Officer appointed by the Governor General of India in Council to act in this behalf*) for the port of ———, certify under my hand and seal, that there has been produced to me by E. F. the Shipper of the Sugar hereinunder described, a Certificate under the hand and seal of C. D., Collector of Land Revenue, (or *Collector of Customs Revenue,* or *being an Officer appointed by the Governor General of India in Council to act in this behalf*) for the district of ———, in the Ter-

ritories subject to the Government of the Presidency of Fort William in Bengal, which Certificate certifies that the said Sugar is of the produce of the said district, and that the importation of Foreign Sugar or Sugar the growth of any British Possession into which Foreign Sugar can be legally imported, is prohibited in the said district.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.

L. S. (Signed G. H.

CALCUTTA.—JUSTICES OF THE PEACE.

ACT No. I. OF 1837.

[*Passed on the* 6*th February*, 1837.

Any one J. P. for Calcutta may issue a Warrant of Distress for arrears of Assessment under the 33 *George* 3, *Cap.* 52.

It is hereby enacted, that from the 1st day of March next, it shall be lawful for any one Justice of the Peace for the Town of Calcutta, to issue a Warrant of Distress for the recovery of Arrears of Assessment accruing under the Act of Parliament 33 George III. Cap. 52, and every such Warrant shall have the same force as if it were under the hands and seals of two such Justices.(a)

(a) See ante Act No. IV. of 1835, which gives to one Justice all powers whatever in Criminal Cases, which may be exercised by two Justices of the Peace for the Town of Calcutta.

BOMBAY.—BHORE GHAUT TOLLS.

ACT No. II. OF 1837.

[*Passed on the 6th February, 1837.*

1. *Repeals Regulation 9, 1830, and Regulation 11, 1831, and Act 18, 1836.*
2. *Enacts the Rates of Tolls on Vehicles and Animals.*
3. *The Governor in Council of Bombay may appoint persons for the collection of the Tolls, who shall be under the same responsibility as Collectors of the Revenue.*
4. *Toll Collectors, in case of non-payment of Toll, may stop sufficient property to discharge the Toll. Police Officers shall assist the Toll Collectors.*
5. *If Toll remains unpaid 24 hours after seizure of property, the duly authorized Officer may direct the sale of the property, and reserve the amount of the Toll, and a fine not exceeding 5 Rupees; the surplus to be paid to the owners of the property.*
6. *The owner of the property not to be deprived of his right of action in the Zillah Court for injury done under color of this Act.*
7. *This Act not to prevent the Governor in Council of Bombay from granting any exemption from Tolls, or granting a farm of Tolls.*

I. It is hereby enacted, that from the 1st day of March next, Regulation IX. of 1830, and Regulation XI. of 1831, of the Bombay Code, and Act No. XVIII. of 1836, of the Governor General of India in Council, be repealed.

II. And it is hereby enacted, that the following rates of Toll shall, from the said day, be levied in the Company's Currency at the Toll Gate of the Bhore Ghaut on Vehicles and Animals, both in going and returning:

On every four-wheeled Carriage on springs, ... 1 Rupee.

On every two-wheeled Carriage on springs, except Native Hackeries, ... ½ Rupee.

On every Native Hackery on springs, ... 2 Annas.

On every labor Cart and labor Hackery not on springs, and having wheels of less diameter than three feet six inches, and tyers less in breadth than three inches, if drawn by two Bullocks, ... ½ Rupee.

On every such labor Cart and labor Hackery drawn by four Bullocks, ... 1 Rupee.

On every labor Cart and labor Hackery not on springs, and not having wheels of less diameter than three

feet six inches, and tyers less in breadth than three inches, if drawn by two Bullocks, ...	1½	Anna.
On every such labor Cart and labor Hackery drawn by four Bullocks, ...	3	Annas.
On every Elephant, ...	½	Rupee.
On every Camel, ...	¼	Rupee.
On every Saddle Horse and Harness Horse, ...	1	Anna.
On every Tattoo, ...	6	Pie.
On every score of Sheep or Goats, ...	2	Annas.
On horned Cattle per head, ...	2	Pie.
On every Beggary carrying a load for hire, ...	2	Pie.
On every Mule not used for riding, ...	3	Pie.
On every Mule used for riding, ...	1	Anna.
On every Ass, ...	1	Pie.
On every Palna or small Native Palanquin,(a) ...	¼	Rupee.

III. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay, to appoint persons for the collection of the Tolls aforesaid, which persons shall, in the execution of such their office, be liable to the same responsibility as would attach to them if they were employed in the collection of the Land Revenue.

IV. And it is hereby enacted, that it shall be lawful for the persons employed in the Collection of the Tolls aforesaid in case of non-payment of the Toll on any property, to stop such property, or such part thereof, as may be adequate to the discharge of the Toll due, and that every Police Officer when thereunto required, shall be assisting to the persons employed in the collection of the Tolls aforesaid in the discharge of their duties.

V. And it is hereby enacted, that in case any Toll due shall remain unpaid for the space of 24 hours after such detention of property as is aforesaid, it shall be lawful for such persons as the Governor in Council of Bombay shall appoint to act in that behalf,

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(a) See Act No. VIII. of 1838, which imposes the following Tolls in respect of Palanquins and Laden Bullocks both in going and returning :

On every Palanquin, 1 Rupee,

On every laden Bullock, 6 Pies ;

and extends the provisions of the above Act to these items.

to direct the sale of the property detained, and to reserve out of the proceeds of such sale a sum equivalent to the Toll due, and also in cases in which it shall appear to that person that the payment of the Toll has been contumaciously refused, to reserve a fine not exceeding 5 Rupees; and that the surplus, if any, shall be repaid to the owners of the property on application.

VI. Provided always, that nothing herein contained, shall be taken to deprive the owner of any property detained as aforesaid, of his right of action in the Civil Court of the Zillah, for any injury which may have been done to him under color of carrying this Act into execution.

VII. Provided also, that nothing herein contained, shall be held to prevent the Governor in Council of Bombay, from granting any exemption from payment of the said Tolls, or from granting a farm of the said Tolls.

BENGAL.—JUDICIARY SYSTEM.

ACT No. III. OF 1837.

[*Passed on the* 13*th March,* 1837.

1. *That each of the Courts of S. D. A. may direct that any original suit or appeal brought before any Zillah or City Court subordinate to such Court of S. D. A. shall be transferred to any other Zillah or City Court subordinate to the same Court of S. D. A.*

2. *Whenever such transfer of any suit shall be made, the Court shall record the reason of the transfer in its proceeding.*

I. It is hereby enacted, that it shall be lawful for each of the Courts of Sudder Dewanny Adawlut, within the Territories subject to the Presidency of Fort William in Bengal, to direct by an order authenticated by the official signature of the Register of such Court of Sudder Dewanny Adawlut, that the Cognizance of any Original Suit, or of any Appeal which may be brought before any Zillah or City Court, subordinate to such Court of Sudder Dewanny Adawlut, shall be transferred to any other Zillah or City Court, subordinate to the same Court of Sudder Dewanny Adawlut.

II. Provided always, that whenever either of the said Courts

of Sudder Dewanny Adawlut shall, in the exercise of the power given by the preceding Clause, direct the transfer of the Cognizance of any Suit, such Court of Sudder Dewanny Adawlut, shall cause the reasons for such transfer, to be recorded on its proceedings.

LANDED PROPERTY.

ACT No. IV. OF 1837.

Passed on the 17th April, 1837.

1. *Any subject of H. M. may acquire and hold property in land or in any emoluments issuing out of land in the Territories of the East India Company.*
2. *All rules which prescribe the manner in which such property may be acquired and held by Natives shall extend to persons who shall acquire or hold under this Act.*

I. It is hereby enacted that, after the 1st day of May next, it shall be lawful for any subject of His Majesty, to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the Territories of the East India Company.

II. And it is hereby enacted that, all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by Natives of the said Territories, shall extend to all persons who shall, under the authority of this Act, acquire or hold such property.

BENGAL.—EMIGRATION ACT.

ACT No. V. OF 1837. (a)

[*Passed on the* 1st *May,* 1837.

I. It is hereby enacted, that from the 1st day of June next, no Native of India, except as hereinafter excepted, who makes a Contract of Service to be performed without the said Territories, shall be received in pursuance of such Contract, on board of any Vessel at any place within the Territories subject to the Presidency of Fort William in Bengal, without an order from the Go-

(a) Repealed by Act No. XXXII. of 1837, and Act No. XIV. of 1839.

vernor of the said Presidency, or a Permit from an Officer authorized by the Governor of the said Presidency, to act in that behalf.

II. And it is hereby enacted, that before any such Permit shall be granted by any such Officer, such Native, and also the person with whom such Native has contracted, or an authorized Agent of that person, shall personally appear before that Officer, and shall exhibit a Memorandum of the Contract (written both in English and in the mother tongue of such Native, or in some language understood by such Native) which Memorandum shall specify the nature, the term, and the wages of the service as settled by the Contract.

III. And it is hereby enacted, that no such Permit shall be granted unless the Contract of service shall be made determinable on the expiratiou of one term of not more than five years, to be reckoned from the date of the Contract or of successive terms, none of which shall exceed five years, and unless such Contract shall contain a stipulation that such Native shall be conveyed back to the Port at which he is embarked free of charge to himself at the expiration of his service.

IV. And it is hereby enacted, that it shall be lawful for the said Officer to examine the said Native and the person with whom that Native has contracted, or the Agent of that person, touching the terms of the Contract, and shall cause those terms to be distinctly explained to the said Native.

V. And it is hereby enacted, that if the said Officer shall be satisfied that the said Native fully understands the terms of the Contract and is desirous to fulfil the same, the said Officer shall make and sign on the back of the written Memorandum aforesaid, a note to the effect, that the said written Memorandum has been inspected by him the said Officer; and such note shall be a Permit authorizing the said Native to embark, and the Memorandum of Contract with the Permit so written thereupon, shall be delivered to the Native to be kept by him during his service.

VI. And it is hereby enacted, that if application is made for Permits authorizing more than twenty Natives to embark on board on any one Vessel, it shall be lawful for the Officer aforesaid, to summon the person in charge of that Vessel, and to examine that person as to the accommodations, food, and Medical attendance provided for such Natives on board of that Vessel, and to inspect that Vessel, or by an order under his hand, to depute any other person to inspect the same.

VII. And it is hereby enacted, that the Officer aforesaid shall not grant Permits authorizing a greater number of Natives than twenty to embark on board of any one Vessel, unless he is satisfied that the accommodations, food, and Medical attendance provided for such Natives on board of that Vessel, will be sufficient for their health.

VIII. And it is hereby enacted, that the Officer aforesaid shall keep a Register of all Natives to whom he shall grant such Permits as aforesaid,

which Register shall specify their names, the periods of the Contracts, the dates of the Permits, the places of their destination, and the Vessel on board of which they were permitted to embark.

IX. And it is hereby enacted, that for every such Permit it shall be lawful for the Officer aforesaid to require that a fee not exceeding One Rupee shall be paid by the person with whom the Native to whom the Permit relates has contracted, or by the authorized Agent of that person.

X. And it is hereby enacted, that whoever being in charge of any Vessel at any place within the Territories subject to the Presidency of Fort William in Bengal, shall knowingly suffer any such Native as is aforesaid to embark on board of that Vessel in pursuance of any such Contract as is aforesaid, without either an order from the Governor of the said Presidency, or such a Permit as is aforesaid, being produced to him by the Native so embarking, shall, on conviction thereof before a Magistrate, be punished with a fine not exceeding 200 Rupees for every Native so suffered to embark, and in default of payment of such fine, with imprisonment for a term not exceeding thirty days for every Native so suffered to embark.

XI. Provided always, that nothing in this Act contained shall be taken to apply to any Native Seaman who shall embark on board of any Vessel, in pursuance of a Contract to navigate that Vessel, or to any person who shall embark as a Menial Servant.

BENGAL.—CUTTACK REVENUE.

ACT No. VI. OF 1837.

[*Passed on the* 1*st May*, 1837.

1. *Malgoozars, several and joint, being persons acknowleged as having a permanent interest in the Mehal for which they are engaged, shall be answerable for the Jumma according to the existing settlement, until a new settlement shall be made.*

2. *Provided that any Malgoozar may relinquish his engagements at the expiration of their term, by notifying his intention to the Collector.*

I. It is hereby enacted, that every Malgoozar in the Province of Cuttack, and every body of Malgoozars in the said Province having, as such body, joint engagements with the Government, and being persons acknowledged as the proprietors or possessors of a permanent interest in the Mehaul for which they have engaged, shall be answerable for the Jumma fixed by the terms of the settlement now existing for every Mehaul of such Malgoozar or body

of Malgoozars, until a new settlement of such Mehaul shall be completed and confirmed, according to the provisions of Regulation VII. of 1822, and Regulation IX. of 1833, of the Bengal Code.

II. Provided always, that if any such Malgoozar or body of Malgoozars shall, before the 1st day of August, 1837, notify to the Collector of the District within which any Mehaul of such Malgoozar or body of Malgoozars as aforesaid may be situated, that it is the intention of such Malgoozar or body of Malgoozars, to relinquish the existing engagements of such Malgoozar or body of Malgoozars, in respect of such Mehaul, at the expiration of the term for which those engagements have been made, it shall be lawful for such Malgoozar or body of Malgoozars, to relinquish the said engagements at the expiration of the said term.

QUEEN'S COURTS.--CRIMINAL.

ACT No. VII. OF 1837.

[*Passed on the* 1*st May*, 1837.

His Majesty's Charter Courts may discharge, on his own recognizance, any convict to whom they have recommended a free pardon.

It is hereby enacted, that it shall be lawful for any of the Courts established by His Majesty's Charters, in any case in which such Court shall have recommended to His Majesty the granting of a free pardon to any Convict, to permit such Convict to be at liberty on his own recognizance.

MADRAS.—TRAVANCORE.

ACT No. VIII. OF 1837. *(a)*

[*Passed on the* 8*th May*, 1837.

I. It is hereby enacted, that from the 1st July, 1837, the Districts of Anjengo and Changancherry, shall form a separate jurisdiction, which shall

(a) Repealed by Section I. of Act No. III. of 1838.

belong to the Western Division of the Territories, subject to the Government of the Presidency of Fort St. George.

II. And it is hereby enacted, that from the said day the British Resident in Travancore, shall exercise the powers of Judge and Criminal Judge within the said jurisdiction, sending to Calicut the parties and proceedings in cases to be tried by the Court of Circuit, and that the said Resident shall also exercise within the said jurisdiction, all the powers of a Magistrate, any thing contained in the Regulations of the Madras Code to the contrary, notwithstanding.

PARSEES.

ACT No. IX. OF 1837.

[*Passed on the 15th May*, 1837.

1. *All immoveable property, situate within the jurisdiction of any of the Supreme Courts, belonging to any Parsee shall, as far as regards its transmission, in case of death and intestacy, be of the nature of Chattels real and not freehold.*

2. *In any suit at Law or in Equity, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of a Parsee beneficially interested in the same, or by Will, if such transmission took place before the 1st June,* 1837, *and took place according to the rules which regulate the transmission of freehold property, or was acquiesced in by the persons interested according to the rules which regulate the transmission of Chattels real.*

I. It is hereby enacted, that from the 1st day of June, 1837, all immoveable Property, situate within the jurisdiction of any of the Courts established by His Majesty's Charter shall, as far as regards the transmission of such Property on the death and intestacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, be taken to be and to have been of the nature of Chattels real and not of freehold.

II. Provided always, that in any Suit at Law or in Equity which shall be brought for the recovery of such immoveable Property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such Property upon the death and intestacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, if such transmis-

sion took place before the said 1st day of June, 1837, and if such transmission were either according to the Rules which regulate the transmission of freehold Property, or else took place with the acquiescence of all persons to whom any interest in that Property would, according to the Rules which regulate the transmission of Chattels real, have accrued upon the death of such Parsee.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.— CLAIMS TO LANDS.

ACT No. X. OF 1837.

[*Passed on the 22d May,* 1837.

1. *Repeals Regulation* 1 *and* 9, *of* 1830, *of the local Government, and Regulation* 1, 1831, *of the Vice President in Council.*

2. *The Governor General of India in Council may appoint one or more Commissioners to decide claims to hold lands in Prince of Wales' Island, Singapore and Malacca. Persons having a registered title shall be entitled to hold according to the terms and conditions specified in the grant.*

3. *Commissioner on his arrival in the settlement may require all claims and applications to hold lands to be transferred to him to be dealt with according to the provisions of this Act.*

4. *Commissioner may cause a survey or measurement of lands, and Summon any person resident within the settlement to attend and produce any document relating to the right to any land or interest in such land and to examine such person on oath touching the right.*

5. *Commissioner discovering that any person has more land than is specified in his registered grant or title, shall declare the excess liable to separate assessment.*

6. *Commissioner may investigate the claims of persons occupying under a grant or title which has not been registered, and if he is of opinion that the claim is a fair one, he shall make a decree assigning the lands to such person under the regulation terms and conditions, and such decree shall constitute a good title.*

7. *Commissioner requiring the attendance of a person before him, shall cause such person to be served with a notice* stating the purpose and time of attendance and the documents he is required to bring with him ; if such person connot be found, notice may be affixed at his usual place of residence.*

8. *Any person wilfully omitting to obey any lawful Summons, or to produce any document lawfully required, or to answer any lawful question, may be fined by Commissioner not exceeding* 50 *Rupees, commutable, if not paid, to imprisonment not exceeding a month.*

9. *Whoever shall forcibly resist or cause to be resisted, any Commissioner, or person employed by Commissioner, shall, on conviction before a Magistrate, be imprisoned not exceeding a year, or fined, or both, in addition to any punishment incurred by reason of any other offence committed in the course of such resistance.*

10. *Any person under examination before Commissioner knowing and deliberately affirming what he knows to be false touching any material point, shall be taken to be guilty of perjury.*

11. *All orders and decrees of Commissioner by which the possession of land shall be altered, shall be final.*

12. *Any party objecting to any decree or order of Commissioner on the ground that it deprives him of a legal right, may within six weeks after the decree or order, move the Court of Judicature to quash the same, which Court shall try the question of right, and the decree or order shall be of no effect, if the Court shall decide it to be inconsistent with the legal right.*

13. *The Court shall not decide without the Recorder if there be at the time a Recorder.*

14. *No decree or order of a Commissioner shall be executed until six weeks shall have elapsed from its date, nor until the Court of Judicature shall have finally disposed of an application under Section 12, if made to it.*

15. *Order of Commissioner to be executed in the same manner as decrees of Recorder's Court; and all Sheriffs, &c. to be aiding in the same.*

16. *Commissioner to be guided by any instructions received from the Government of Bengal.*

I. It is hereby enacted, that from the date of the passing of this Act Regulations I. and IX. of 1830, passed by the Governor in Council of Prince of Wales' Island, Singapore and Malacca and likewise Regulation I. of 1831, passed by the Vice President in Council shall be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to appoint one or more Commissioners for the purpose of inquiring into and deciding upon claims to hold lands within any of the settlements of Prince of Wales' Island, Singapore and Malacca whether the said claims be founded on grants or titles registered in conformity with the provisions of any of the Regulations repealed by the foregoing clause or not, provided nevertheless that every person holding land in any of the settlements aforesaid under a grant or title registered in conformity with the provisions of the said Regulations shall be entitled to hold such land for such terms and on such conditions as are specified in such grant or title.

III. And it is hereby enacted, that on the arrival of any such Commissioner in any of the said settlements it shall be lawful for such Commissioner to require that all claims and applications to hold lands in that Settlement which may be pending before the Resident Councillor, Collector or Superintendent of Land Revenue shall be transferred to the said Commissioner to be dealt with by him according to the powers vested in him by authority of this Act.

IV. And it is hereby enacted, that it shall be lawful for any such Commissioner whenever he may be within any of the said Settlements to cause a survey or measurement to be made of any lands within that Settlement in such manner as he may deem proper, and to require, by a Summons under his hand, any person resident within that Settlement to attend before him and to produce any document relating to the right to any land or interest in land, within that Settlement; and it shall further be competent to the said Commissioner to examine any such person upon oath touching the right to any such land or interest in such land.

V. And it is hereby enacted, that whenever any such Commissioner being within any of the said Settlements shall, in prosecution of the duties assigned to him by this Act, discover that any person owing or occupying lands within that Settlement under any grant or title registered in conformity with any of the Regulations repealed by Section I. shall be in possession of more land than is specified in such grant or title, it shall be competent to the Commissioner aforesaid to declare the land so held in excess to be liable to separate Assessment.

VI. And it is hereby enacted, that if any person shall hold or occupy land within any of the Settlements aforesaid, by a grant or title which shall not have been registered in conformity with the provisions of any of the Regulations repealed by this Act, and such person shall prefer a claim to hold or occupy the same, or if such claim shall arise out of any proceeding or inquiry held by the Commissioner under this Act, it shall be competent to the said Commissioner to investigate the claim, and in every case in which the said Commissioner shall be of opinion that the claim is a fair one, the said Commissioner shall make a decree assigning the lands to which there may be such fair claim to the party who has such

fair claim on such conditions and for such terms as may be prescribed under the rules laid down for the guidance of the said Commissioner, and such decree shall constitute a good title as against the Government to the land therein assigned on the conditions and for the terms therein specified.

VII. And it is hereby enacted, that whenever the Commissioner aforesaid under the power vested in him by Section IV. shall require the attendance of any person or the production of any document by any person, he shall cause such person to be served with a notice under the hand of the said Commissioner stating the purpose for which the attendance of such person is required, the documents (if any) which such person is to bring with him, and the period within which such person is to attend, and if such person cannot himself be found, the notice shall be affixed at his usual place of residence.

VIII. And it is hereby enacted, that if any person shall wilfully omit to obey any lawful Summons to attend before the said Commissioner or to produce any document which he is required by the said Commissioner in the exercise of the lawful powers of the said Commissioner to produce, or to answer any lawful question put by the said Commissioner; it shall be competent to the said Commissioner to impose upon the person so wilfully omitting for every such wilful omission a fine not exceeding 50 Rs. commutable if not paid to Imprisonment by order of the Commissioner in the Civil Jail, for a period not exceeding one month.

IX. And it is hereby enacted, that whoever shall forcibly resist or cause to be resisted any such Commissioner, or any person employed by such Commissioner in the performance of any thing which such Commissioner is by this Act authorized to perform, or cause to be performed, shall on conviction before a Magistrate be punished with imprisonment for a term not exceeding one year, or fine, or both in addition to any punishment to which such offender may be liable by reason of any other offence committed in the course of such resistance.

X. And it is hereby enacted, that whoever being under examination before any such Commissioner, either on oath or on a declaration received instead of an oath, knowingly and deliberately

affirms that to be true which he knows to be false touching any point material to the question which the Commissioner is investigating, shall be taken to be guilty of perjury and be dealt with accordingly.

XI. And it is hereby enacted, that all orders and decrees passed by any such Commissioner, by which the possession of any land within any of the Settlements aforesaid shall be altered or effected, shall be final.

XII. Provided always that if any party objects to any decree or order of the said Commissioner on the ground that such decree or order deprives that party of a legal right to land or to some interest in land, it shall be lawful for that party at any time within 6 weeks after the making of such decree or order to move the Court of Judicature of Prince of Wales' Island, Singapore and Malacca to quash such decree or order, which Court shall try the question whether such decree or order be or be not inconsistent with any legal right of the party moving, and if the said Court shall decide that such decree or order is inconsistent with any such legal right, the decree or order of the Commissioner shall be quashed by the said Court, and shall be of no effect.

XIII. And it is hereby enacted, that the said Court of Judicature shall not decide whether a decree or order of any such Commissioner shall or shall not be quashed except when the Recorder is sitting in the said Court, if there be at that time a Recorder.

XIV. And it is hereby enacted, that no decree or order of any such Commissioner shall be executed until 6 weeks shall have elapsed from the date of such decree or order. And it is further hereby enacted, that if any application shall be made to the said Court of Judicature, as provided for in Section XII. of this Act, in that case the decree or order with respect to which such application is made shall not be executed until such application shall be finally disposed of by the said Court.

XV. And it is hereby enacted, that if no such application to the Recorder's Court as aforesaid shall be made within the period fixed in Section XII. of this Act, the said Commissioner shall proceed to execute the order or decree passed by him in the same manner as the decrees of the Recorder's Court are executed; and

all Sheriffs, Magistrates, Constables and other Public Officers are hereby enjoined and required to be aiding and assisting in the execution of the same.

XVI. And it is hereby enacted, that every Commissioner appointed under this Act shall be guided in the performance of the duties confided to him under the provisions of this Act by such Instructions as he shall from time to time receive from the Government of Bengal.

BOMBAY

ACT No. XI. OF 1837.

[*Passed on the 29th May*, 1837.

Repeals Articles 1 *and* 2 *of Regulation* 1, 1820.

It is hereby enacted, that Articles 1 and 2 of Regulation I. of 1820, of the Bombay Code, be repealed.

CITY OF CALCUTTA.

ACT No. XII. OF 1837.

[*Passed on the 5th June*, 1837.

1. *Every house and outhouse built in Calcutta after* 1*st November*, 1837, *shall be covered with an outer roof of incombustible materials. The owner of any house or outhouse built in contravention hereof shall be fined not exceeding* 100 *rupees.*

2. *Superintendent of Police may tender to the owner of any house or outhouse built before* 1*st November*, 1837, *and not covered with any outer roof of incombustible materials, a sum of money to defray the expense of so covering such house &c., and any owner accepting the sum so tendered and engaging so to cover such house, and not doing it, shall be fined, not exceeding ten times the amount accepted.*

3. *If any house shall be built in contravention of Section* 1, *or if any owner shall refuse to accept sum tendered, the Superintendent may cause it to be roofed with incombustible materials, and may cause necessary alterations to be made in the walls to support the roof, and may defray the expense out of any fund placed at his disposal for that purpose.*

4. *Any person wilfully obstructing the Superintendent, shall be fined not exceeding* 100 *rupees, in addition to any punishment he may have incurred by reason of any other offence committed in the course of his obstruction.*

5. *All fines under this Act shall be paid into the Government Treasury and applied to defray the expenses of carrying this Act into execution.*

I. It is hereby enacted, that every house and outhouse built within the City of Calcutta, after the first day of November, 1837, shall be covered with an outer roof of incombustible materials, and that, if any house or outhouse be built in contravention of this provision, the owner of such house or outhouse shall, on conviction before a Magistrate, be punished with fine not exceeding 100 Rupees.

II. And it is hereby enacted, that it shall be lawful for the Superintendent of the Police of the said City, from the date of the passing of this Act, to tender to the owner of any house or outhouse within the said City, which house or outhouse may have been built before the said 1st day of November, 1837, and which may not be covered with an outer roof of incombustible materials, a sum of money to defray the expense of covering such house or outhouse with such an outer roof, and that if the owner of such house or outhouse shall accept the sum so tendered, and shall engage that such house or outhouse shall be covered with such an outer roof within a certain time, and shall not within that time cause such house or outhouse to be covered with such an outer roof, such owner shall, on conviction before a Magistrate, be punished with a fine not exceeding ten times the sum so accepted by such owner.

III. And it is hereby enacted, that if any house or outhouse shall be built in contravention of the provision contained in Section I. of this Act, or if any owner of a house or outhouse shall refuse to accept a sum of money tendered by the said Superintendent in the manner described in Section II. of this Act, it shall be lawful for the said Superintendent to cause such house or outhouse to be covered with an outer roof of incombustible materials without the consent of the owner thereof, and to cause such alterations to be made in the walls of such house or outhouse, as may enable such walls to support such outer roof, and to defray the expense out of any funds which may be put at the disposal of the said Superintendent for that purpose either by the Government, or by any private person, or body of private persons.

IV. And it is hereby enacted, that whoever shall wilfully obstruct the said Superintendent, or any person acting under the authority of the said Superintendent, in the exercise of the powers

given to the said Superintendent by Section III. of this Act, shall, on conviction before a Magistrate, be punished with a fine not exceeding 100 Rupees, in excess of any punishment to which the person so obstructing may be liable by reason of any other offence which he may commit in the course of such obstruction.

V. And it is hereby enacted, that all fines levied under the authority of this Act, shall be paid into the General Treasury, and shall be applied to the purpose of defraying expenses incurred in carrying this Act into execution.

BOMBAY.—COURTS MARTIAL.

ACT No. XIII. OF 1837.

[*Passed on the* 5*th June,* 1837

No trial by Court Martial held prior to the passing of this act to be illegal, on the ground that the Military Station had not been duly proclaimed.

It is hereby enacted, that no trial by Court Martial which may have been held prior to the passing of this Act at any Military Station within the Territories subject to the Government of the Presidency of Bombay, shall be deemed to have been illegal on the ground that such Military Station had not been proclaimed in the manner directed by Section IX. Regulation XXII of 1827, of the Bombay Code.

FOREIGN BOTTOMS,

ACT No. XIV. OF 1837.

[*Passed on the* 12*th June,* 1837

Whenever any Foreign State in Asia or Africa shall permit the importation or exportation of Goods in British Vessels, on the same terms as goods in vessels belonging to such Foreign State, the Governor General in Council may direct that goods may be imported into the East Indies, or exported thence, in Vessels belonging to the subjects of such Foreign State, on the same terms.

It is hereby enacted, that whenever any Foreign State in Asia or Africa shall permit within the dominions of such State, the impor-

tation or exportation of Goods in British Vessels on the same terms on which it permits the importation or exportation of Goods in Vessels belonging to the Subjects of such Foreign State, it shall be lawful for the Governor General of India in Council, by an Order in Council, to direct that Goods may be imported into the Territories of the East India Company, or exported thence in Vessels belonging to the Subjects of such Foreign State, on the same terms on which such Goods are imported into the said Territories, or exported thence on British Vessels.

BENGAL.--POLICE-TAX.

ACT No. XV. OF 1837.

[*Passed on the* 19*th June*, 1837.

1. *A portion of the Tax levied under Regulation* 22, 1816, *may be appropriated to the cleansing and repairing of the Towns in which it is levied.*

2. *The Punchaite appointed by the Sunnud referred to in Section* 10, *Regulation* 22, 1816, *may fix the rate of assessment to be levied from the Proprietor or Principal Occupier of any Shop or Habitation at* 2 *Rupees per mensem.*

3. *No person, by reason of place of birth, or of descent, shall be exempted from any assessment under Regulation* 22, 1816, *or under this Act.*

I. It is hereby enacted, that from the 1st day of July, 1837, it shall be lawful for the several Magistrates and Joint Magistrates within the Presidency of Fort William in Bengal, to appropriate a portion of the Tax *(a)* levied under Regulation XXII. 1816, of the Bengal Code, to the purpose of cleansing and repairing the Towns in which that Tax is levied.

II. And it is hereby enacted, in lieu of the maximum rate prescribed by the Sunnud of appointment referred to in Section X. of the above mentioned Regulation, that after the first day of July, 1837, it shall be competent to the Punchaite appointed by the said Sunnud, to fix the rate of assessment to be levied from the Proprietor or Principal Occupier of any Shop or Habitation at Two Company's Rupees per mensem.

(a) This tax is a Police-tax: it is appointed for the maintenance of Chowkedars.

III. And it is hereby enacted, that no person whatever shall, either by reason of place of birth, or by reason of descent, be exempted from the payment of any Assessment under Regulation XXII. of 1816, of the Bengal Code, or under this Act.

BENGAL—CUSTOMS.

ACT No. XVI. OF 1837.

[*Passed on the 3rd July,* 1837.

1. *Repeals Regulation* 15, 1817.

2. *The value of Goods subject to ad valorem duties, exported by Sea from any port in Bengal or Orissa, shall be declared in manner prescribed by Regulation* 6, 1833, *for Goods imported into Calcutta by Sea; that Regulation, (excepting Section* 4, *relative to Goods taken by Government) shall apply to Goods intended for export: declared value to include the package-materials.*

3. *The Governor of Bengal may, from time to time, by notice in Gazette, fix a value for any article subject to ad valorem duty.*

4. *Master of Vessel, removing or putting on board between sun-set and sunrise, or on Custom-House holiday, without leave from Collector, shall be fined not exceeding* 500 *rupees.*

5. *Where Custom House Officer has been removed from Vessel under provision of Section* 16, *Act* 14, 1836, *if the Commander before a Custom House Officer has again been put on board, shall suffer any Goods to be put on board, he shall be fined not exceeding* 1000 *rupees, and the Goods shall be liable to be re-landed for examination at expense of shipper.*

6. *Commander bound to receive on board one Servant with Custom House Officer, and to provide Officer and Servant with suitable shelter and accommodation and a due allowance of water, with means of cooking, or in default be fined not exceeding* 500 *rupees.*

7. *No Cargo Boat laden with Goods intended for exportation shall make fast to, or lie alongside of any Vessel, unless a Custom-House Permit for the shipment of Goods has been obtained. Goods on board a Boat made fast to or lying alongside of any Vessel, contrary to this regulation, may be confiscated.*

8. *With each Boat-load or separate dispatch, intended to be landed for importation, a Boat-note shall be sent, specifying number of packages, and their marks or other description, signed by an Officer of the Vessel and the Custom House Officer on board. Goods to be liable to confiscation, if proceeding to land without Boat-note, or if with Boat-note, they are found out of the proper track between the ship and Custom House Wharf, &c.*

9. *If the packages of Goods brought to the Custom House either for exportation or importation, do not correspond with the description given of them*

in the application for a pass, or if the Goods have not been correctly described in regard to sort, quality or quantity, or if other Goods not stated are concealed or mixed up with those specified, such packages shall be liable to confiscation.

10. *Goods removed or attempted to be removed after being landed, but before they have been passed, shall be liable to be confiscated.*

11. *The exemption from duty under Schedule B. Act* 14, 1836, *shall not apply to Sugar exported to any British Possession in the Continent of India or to Bombay: but such export shall be subject to the same duty as Sugar and Rum exported to other places, &c.*

12. *In modification of Section* 18, *Act* 14, 1836, *if Goods entitled to Drawback as being imported Goods, are shipped after Port Clearance, such Drawback shall be forfeited, but no separate duty shall be levied thereon.*

13. *In modification of Section* 15, *Act* 14, 1836, *the Collector may sell, on account of Duty, Freight and other dues, Goods landed at the Custom House, if not claimed and cleared within three months from the date of the ship's entry.*

14. *No Drawback shall be paid upon Goods exported from Bengal or Orissa, unless the export takes place within two years from the date of their import in the Custom House Registers, nor unless Drawback is claimed at the time of exportation, nor unless the amount due for Drawback is demanded within a year from the entry for shipment at the Custom House.*

15. *Drawback shall not be allowed upon Goods shipped in Dhonies and Native Craft not navigated by Pilots and not having Custom House Officers on board.*

16. *In modification of Section* 51, *Regulation* 9, 1810, *the Board of Customs, Salt and Opium, may fix and alter rates of Wharfage and Godown Rent, &c. and determine the time for which Goods may remain free of charge, while being passed.*

17. *and* 18. *Collector of Customs may require Goods brought by Sea and stowed in bulk, to be weighed on ship board, &c. any one intentionally obstructing the weighing shall be fined not exceeding* 500 *rupees.*

I. It is hereby enacted, that from the 15th day of July, 1837, Regulation XV. 1817, of the Bengal Code, shall be repealed.

II. And it is hereby enacted, that when the Customs Duties fixed to be levied upon Goods exported by Sea from any port of Bengal or Orissa shall be *ad valorem*, the value of such Goods shall be declared by the Exporter in the manner prescribed by Regulation VI. 1833 of the Bengal Code for goods imported into Calcutta by Sea, and the provisions of that Regulation for cases of disputed value (excepting Section IV. thereof, which prescribes the levy of duty when the Goods are taken for Government) shall apply to Goods intended to be exported by Sea in like manner as for imported Goods, and the value so to be declared by the Exporter shall

include the packages or materials in which the Goods may be contained.

III. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, from time to time, by notice in the Official Gazette, to fix a value for any article liable to *ad valorem* duty, and that the value so fixed by the Governor of the said Presidency shall, till altered by a similar notice, be taken to be the value of such article for the purpose of levying duty on the same.

IV. And it is hereby enacted, that every Master of a Vessel, who shall remove from such Vessel or put on board thereof any Goods, or cause or suffer any Goods to be removed thence or put on board thereof between sun-set and sun-rise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding 500 Rupees.

V. And it is hereby enacted, that when, upon application from the commander of any Vessel, the Custom House Officer shall be removed from on board thereof, under the provisions to that effect contained in Section XVI of the Act XIV of 1836, if the Commander of such Vessel shall, before a Custom House Officer have again been placed in such Vessel, put on board of such Vessel, or cause or suffer to be put on board of such Vessel any Goods whatever, such Commander shall be punished with a fine not exceeding 1,000 Rupees, and the Goods shall be liable to be relanded for examination at the expense of the Shipper or Shippers upon requisition to that effect from the Collector of Customs.

VI. And it is hereby enacted, that the Commander of every Vessel, who is bound to receive a Custom House Officer on board of such Vessel, shall also be bound to receive on board one Servant of such Officer, and to provide such Officer and such Servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water, and with the means of cooking on board, and if any Commander of a Vessel shall wilfully disobey the directions contained in this Section, he shall be punished with fine not exceeding 500 Rupees.

VII. And it is hereby enacted, that no Cargo Boat laden with

Goods intended for exportation by Sea, shall make fast to, or lie alongside of any Vessel unless there shall be on board the Boat or have been received by the Custom House Officer on board of the Vessel, a Custom House Permit or order for the shipment of the Goods. And the Goods on board of any Boat that may so lie alongside or be made fast to a Vessel, if such Goods be not covered by a Custom House Pass accompanying them, or previously received by the Customs Officer on board the said Vessel, shall be liable to confiscation.

VIII. And it is hereby enacted, that when Goods shall be sent from on board ship for the purpose of being landed and passed for importation, there shall be sent with each Boat-load or other separate dispatch, a Boat-note specifying the number of packages and the marks and numbers or other description thereof, and such Boat-note shall be signed by an Officer of the Vessel and likewise by the Customs Officer that may be on board; and if any imported Goods be found in a Boat proceeding to land without a Boat-note, or if being accompanied by a Boat-note, they be found out of the proper track between the Ship and the Custom House Wharf, or other Wharf or Ghaut at which they have been permitted to be landed, the Boat containing such Goods may be detained by any Inspector, or by any other Officer of the Preventive Service of the Custom House, duly authorized by the Collector of Customs, and unless the cause of deviation be explained to the satisfaction of the Officers of Customs, the Goods shall be liable to confiscation.

IX. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House, either for importation or exportation by Sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any Goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages with the whole of the Goods contained therein, shall be liable to confiscation.

X. And it is hereby enacted, that if any person after Goods have been landed and before they have been passed through the Custom House, removes or attempts to remove them with the inten-

tion of defrauding the Revenue, the Goods shall be liable to confiscation.

XI. And it is hereby enacted, in modification of the Article of Schedule B. of Act No. XIV. of 1836, which provides that when Sugar or Rum shall be exported on British bottoms to any British Possession, no duty shall be levied thereupon, and if on Foreign bottoms, a duty of 3 per cent. only shall be levied, that the said exemption from duty and advantage of rate shall not hold or apply to the case of Sugar exported to any British Possession or Settlement on the Continent of India (including the Port of Bombay), but duties shall be levied on such exports in the same manner as upon Sugar and Rum exported to other places, and the amount of duties so levied shall be credited, in the adjustment of any import duty to which the Sugar so exported from Bengal may be subject at any place of import within the possessions of the East India Company.

XII. And it is hereby enacted, in modification of Section XVIII. of the Act XIV. of 1836, that when Goods shall be shipped after Port Clearance, if the same be imported Goods entitled to Drawback, such Drawback shall be forfeited, but no separate duty shall be levied thereon.

XIII. And it is hereby enacted, in modification of Section XV. of Act XIV. of 1836, that if Goods landed at the Custom House be not claimed and cleared from the Custom House within three months from the date of entry of the Ship in which such Goods were imported, it shall be competent to the Collector to sell the Goods on account of the Duties, Freight and other charges incurred and due thereon.

XIV. And it is hereby enacted, that no payment shall be made of Drawback upon any Goods exported from any Port of Bengal or Orissa, unless the export be made within two years from the date of the import in the Custom House Registers, nor unless the claim to receive such Drawback be made at the time of exportation, nor unless the amount due thereupon be demanded within one year from the date of entry for shipment in the Custom House Register.

XV. And it is hereby enacted, that Drawback shall not be allowed upon Goods shipped in Dhonies and Native Craft not navigated by Pilots and not having Custom House Officers on board.

XVI. And it is hereby enacted, in modification of Section LI. Regulation IX. of 1810, that the Board of Customs, Salt and Opium, shall have power to fix, and from time to time to alter the rates of Wharfage and Godown Rent charges, and to determine the time for which Goods shall be allowed to remain on the Wharfs or in the Godowns of the Custom House, free of charge, while the Goods are being passed for import or export by Sea.

XVII. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that Goods brought by Sea and stowed in bulk, shall be weighed on board ship before being sent to land, and to levy duty according to the result of such weighing.

XVIII. And it is hereby enacted, that whoever shall intentionally offer any obstruction to the weighing directed by the preceding Section, shall be punished with a fine not exceeding 500 Rupees.

POST OFFICE ACT.

ACT No. XVII. OF 1837.

[*Passed on the* 24*th July*, 1837.

1. *Repeals Regulation* 11, 1830.

2. *The exclusive right of conveying letters by post for hire shall be in the Governor General in Council.*

3. *But the Governor General in Council, and authorities empowered by him, may grant a license to any person to convey letters by post.*

4. *Governor General in Council or other authority who may have granted such license, may revoke it at pleasure.*

5. *Whoever, except under authority of such license, knowingly conveys any letter by post for hire, or receives any letter or packet of letters, or delivers, or is accessary to such conveyance, receipt or delivery, shall be fined not exceeding* 50 *Rupees for every letter.*

6. *Inland postage duties shall be levied at the rates set forth in Schedule A., and postage may be paid either on receipt or delivery, at the option of sender, and no additional charge shall be made on letters transferred from Post Office in one to Post Office in another Presidency.*

[*Note.—This has been modified by Act No.* 17, 1839.]

7. ***When there is a banghy on a line of road, no person shall be entitled to demand that any letter or packet exceeding* 12 *tolas, shall be conveyed by the letter post on that road.***

8. *This Section is repealed by Section 1, Act 20, 1838.*

9. *No packet described in Table 2, Schedule A shall contain any writing other than a writing necessarily part of the documents which such packet is stated to contain; fine of 50 Rupees for contravention of this law.*

10. *No packet described in Table 3, Schedule A. shall contain any writing whatever except the direction; fine of 50 Rupees for contravention of this law.*

11. *Proof sheets marked as such and delivered open at Office may be sent by letter post at the rates in Table 3, Schedule A.*

12. *The Governor General in Council shall frame a scale of distances according to which the rates of inland postage shall be calculated.*

13. *Steam postage, according to rates fixed by Governor General in Council, shall be levied on all letters and packets received, sent and received by Government Steamer, and such steam postage shall be in excess of the inland postage.*

14. *Ship postage, according to rates in Schedule B. shall be levied on letters sent or received by sea through the Post Office.*

[*Note.—Modified by Act. No* 17, 1839]

15 *and* 16. *The Commander of a Vessel arriving from Sea at a place where there is a Post Office shall cause immediate delivery of the letters on board, and also report if there are letters for any other place, and receive and act according to the directions of the Post Master; wilful disobedience subject to fine not exceeding* 1,000 *Rupees.*

17. *Post Office Officer to pay Commander one anna for every letter.*

18. *If letters are transhipped to another Vessel, the Commander of the latter Vessel to be paid half an anna for every letter at the Post Office at which he delivers them.*

19. *No payment shall be made to Commander of any Vessel for delivery of letter or packet, unless claimed before the Vessel leaves the place, or within three months after date of arrival.*

20. *Commander of every Vessel leaving any place by Sea, shall receive on board every letter and packet which he shall be required to receive from Post Office, and shall sign a receipt: or shall be liable to fine not exceeding* 1,000 *Rupees.*

21. *Unpaid letters or packets may be returned, unless opened, in which case postage must be paid; except the letter or packet shall appear to have been sent for the purpose of annoying the person to whom it is directed.*

22. *Every letter rejected unopened, shall be returned to the sender, who shall pay the return postage unless direct postage has already been paid thereon.*

23. *Rejected letter, the sender of which is unknown, shall be opened by the Post Office Officer.*

24. *Letters may be detained at the Post Office until postage is paid.*

25. *Unclaimed letters after lying three months at any Post Office, shall be sent to the General Post Office of the Presidency.*

26. ***At intervals not exceeding three months, lists of unclaimed letters and packets in the General Post Office, shall be published in the Official Gazette.***

27. *Letters and packets unclaimed for* 18 *months at the General Post Office, shall be opened by the Post Master General, and valuable property therein paid into the Government Treasury for the benefit of party having a right thereto, and after a further period of* 12 *months such letter may be destroyed, if unclaimed.*

28. *Enumerates the persons to whom shall be allowed the privilege of sending and receiving all letters and packets by letter post free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage. Such letters to be franked in manner directed by the Governor General in Council.*

29. *The Governor General in Council may grant to any person the same privilege.*

30. *Post Master General, or Post Master, suspecting that any letter or packet at his Office contains contraband, or any article on which duty is owing, or any writing in contravention of Sections* 9 *and* 10, *may summon the person to whom it is directed, and open the letter in his presence, or in his absence if he neglects to attend.*

31. *Government shall not be responsible for loss or damage, nor any person employed by Government, unless caused maliciously or fraudulently by such person.*

32. *Fines incurred under this Act may be levied on conviction before any Magistrate or J. P., or person exercising the powers of a Magistrate. But only Post Master General, or Post Master, shall be competent to institute any prosecution.*

33. *Any person in the employment of Post Office, or of any contractor with the Post Office, who shall fraudulently appropriate any letter or packet, or its contents, or shall open with fraudulent intention, shall be liable to imprisonment with or without hard labor for not exeeeding* 7 *years, and to fine.*

34. *Any such person fraudulently appropriating postage duty, shall be liable to imprisonment with or without hard labor for not exceeding* 2 *years, and to a fine.*

35. *Any such person fraudulently putting wrong mark on letter or packet, or altering or causing to disappear any mark, liable to imprisonment with or without hard labor for same term and fine.*

36. *Any such person fraudulently preparing incorrectly or altering or secreting or destroying any document entrusted to him to keep or prepare shall be liable to like punishment.*

37. *Any such person putting any letter or packet into the Wallets of the Post Office intending to defraud Government of duty shall be liable to like punishment.*

38. *The tola weight mentioned in this Act is the tola of* 180 *grains troy.*

39. *Commencement of Act.—Schedules A, &c.*

I. It is hereby enacted, that Regulation XI. of 1830, of the Bombay Code, shall be repealed.

II. And it is hereby enacted, that the exclusive right of conveying letters by post for hire from place to place within the Territories of the East India Company, shall be in the Governor General of India in Council.

III. Provided always, that it shall be competent to the said Governor General of India in Council, and to any authority thereunto empowered by the said Governor General in Council, to grant to any person or persons a license, permitting such person or persons to convey letters by post for hire from place to place within the said Territories, and that it shall be lawful for any person or persons having such a license, to convey letters in conformity with the terms of such license.

IV. And it is hereby enacted, that it shall be lawful for the said Governor General in Council, and for any authority which may have granted any such license as is described in the preceding Section, to revoke such license at pleasure.

V. And it is hereby enacted, that whoever otherwise than under the authority of the said Governor General in Council, or in conformity with the terms of such a license as is aforesaid, knowingly conveys any letter by post for hire from place to place within the said Territories, or receives any letter or packet of letters, in order to such conveyance, or delivers any letter according to its direction, knowing the same to have been so conveyed, or is accessary to such conveyance, receipt or delivery, shall be punished with fine not exceeding Fifty Rupees for every letter so conveyed, received or delivered.

VI. And it is hereby enacted, that inland postage duties shall be levied on the conveyance of letters and packets by the Government Post at the rates set forth in the Schedule marked A. which is annexed to this Act, and that the full postage shall be paid either on receipt, or on delivery, at the option of the sender, and that if the thing conveyed be transferred from a Post Office in one Presidency to a Post Office in another Presidency, no additional charge shall be made on account of such transfer.(a)

VII. And it is hereby enacted, that when there is a banghy

(a) Modified by Act No. 17, 1839.

established on a line of road, no person shall be entitled to demand that any letter or packet, exceeding 12 tolas in weight shall be conveyed by the letter post on that line of road.

VIII. And it is hereby enacted, that when there is no banghy established on a line of road, letters and packets exceeding 12 tolas in weight, and not exceeding 40 tolas in weight, shall be conveyed on that line of road by the letter post, and every such letter or packet shall be charged with the postage of a letter or packet of the same description of 12 tolas weight sent by letter post.(a)

IX. And it is hereby enacted, that no packet of the description mentioned in Table 2 of Schedule A. shall contain any writing whatever other than writing which is necessarily part of the documents which such packet is stated to contain, by attestation on the cover of such packet, and that whoever shall send any such packet by the Government Post, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of Fifty Rupees.

X. And it is hereby enacted, that no packet of the description mentioned in Table 3 of Schedule A. shall contain any writing whatever, except the direction on the cover, and that whoever shall send any such packet by the Government Post, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of Fifty Rupees.

XI. And it is hereby enacted, that proof sheets marked as such may be sent by letter post at the rates set forth in Table 3 of Schedule A. provided they be brought to the Dispatching Office open, and be sealed in presence of the person in charge of such Office.

XII. And it is hereby enacted, that the said Governor General in Council shall frame a scale of distances as nearly as practicable according to the distance by the nearest road between Post Office Stations, and that the rates of inland postage shall be calculated according to this scale.

XIII. And it is hereby enacted, that Steam Postage, according to such rates as may from time to time be fixed by the Governor

(a) Repealed by Section I. of Act No. XX. of 1838, and other Regulations enacted.

General in Council, shall be levied on all letters and packets sent or received by any Government Steamer, and that such Steam Postage shall be in excess of any inland postage to which such letters or packets may be liable.

XIV. And it is hereby enacted, that Ship Postage, according to the rates fixed in Schedule B. annexed to this Act, shall be levied on all letters or packets sent or received by sea through any Government Post Office, and not liable to Steam Postage.*(a)*

XV. And it is hereby enacted, that when any Vessel arrives by Sea at any place within the said Territories, at which there is a Government Post Office, the Commander of such Vessel shall, as speedily as possible, cause every letter and packet on board of such Vessel which is directed to that place, and which was not specially entrusted for separate delivery, to be delivered either at the Post Office, or to some Officer of the Post Office, authorized to receive the same; and that if there be on board any letter or packet directed to any other place, and not specially entrusted for separate delivery, the said Commander shall, as speedily as possible, report the same to the Post Master General, or Post Master of the place at which he has arrived, and shall act according to such directions as he may receive from such Post Master General, or Post Master; and that the receipt of such Post Master General, or Post Master shall discharge such Commander of all responsibility in respect of such letter or packet.

XVI. And it is hereby enacted, that every Commander of a Vessel who shall wilfully disobey any of the directions contained in the preceding Section, shall be punished with a fine not exceeding 1,000 Rupees.

XVII. And it is hereby enacted, that for every letter or packet delivered by a Commander of a Ship, in conformity with the directions of Section XV. of this Act, the Officer in charge of the Post Office, shall pay to the said Commander the sum of One Anna.

XVIII. And it is hereby enacted, that whenever any letter or packet is transhipped for transmission to any other place within the said Territories, the Commander of the Vessel, which original-

(a) Modified by Act No. 17, 1839.

ly brought such letter or packet, shall be entitled to receive One Anna for every such letter or packet, and that the Commander of the Vessel into which the letter or packet is transhipped, shall be entitled to receive Half an Anna from the person in charge of the Post Office at the place of delivery, provided that the said last mentioned Commander delivers the same in conformity with the directions contained in Section XV. of this Act.

XIX. Provided always, that no payment shall be made to the Commander of any Vessel on account of the delivery of any letter or packet unless the claim of such Commander shall be preferred before the Vessel leaves the place at which the letter or packet was delivered, or before the expiration of three months from the date of the arrival of the packet at the place of ultimate delivery.

XX. And it is hereby enacted, that the Commander of every Vessel leaving any place in the said Territories by Sea, shall receive on board of such his Vessel, every letter and packet which he shall be required to receive by any Officer of the Post Office, and shall sign a receipt for such letters and packets; and that every Commander of a Vessel who shall wilfully disobey any direction of this Clause, shall be punished with a fine not exceeding 1,000 Rupees.

XXI. And it is hereby enacted, that whenever any letter or packet, the postage of which has not been paid, shall be delivered by any person employed by the Post Office, the person to whom it is delivered, shall not be bound to pay the postage if he returns the letter or packet unopened, but if he opens the same, he shall be bound to pay the postage due thereon; provided always, that if the letter or packet shall appear to have been maliciously sent for the purpose of annoying the person to whom it is directed, the Post Master General, or Post Master of the Office, from which the delivery took place, shall remit the said postage.

XXII. And it is hereby enacted, that every letter or packet which is rejected unopened by the person to whom it is directed, shall be returned by post to the sender, and that the said sender shall be bound to pay the return postage thereon unless direct postage has already been paid thereon.

XXIII. And it is hereby enacted, that whenever any letter or packet, the sender of which is unknown, shall be rejected unopen-

ed by the person to whom it is directed, such letter or packet shall be opened by the Officer in charge of the Post Office from which such letter or packet was delivered to that person.

XXIV. And it is hereby enacted, that if any person shall refuse to pay any postage which he is legally bound to pay for any letter or packet, it shall be lawful for the Officer in charge of the Post Office, from which such letter or packet was delivered, to withhold from the person so refusing, till such postage be paid, any letter directed to that person upon which postage has not been paid by the sender.

XXV. And it is hereby enacted, that all letters and packets which have remained three months unclaimed at any Post Office, shall be transmitted to the General Post Office of the Presidency.

XXVI. And it is hereby enacted, that at intervals not exceeding three months, lists of all unclaimed letters and packets which are in the General Post Office of any Presidency, shall be published in the Official Gazette of that Presidency.

XXVII. And it is hereby enacted, that every letter and packet which may have remained eighteen months unclaimed in the General Post Office of any Presidency, shall be opened by the Post Master General of that Presidency, and that all valuable property which such letter or packet may contain, shall be paid into the Government Treasury for the benefit of any party who may have a right thereto, and that when twelve months shall have elapsed after the opening of such unclaimed letter or packet, it shall be lawful for the said Post Master General, if such letter or packet still continues to be unclaimed, to destroy the same.

XXVIII. And it is hereby enacted, that the privilege of sending and receiving all letters and packets by letter post free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage, shall be allowed to the persons hereinafter mentioned, viz.

His Majesty's Principal Secretaries of State.

President and Secretaries of the Board of Control.

The Chairman, Deputy Chairman and Directors of the East India Company.

Secretary, Deputy Secretary and Assistant Secretary at the India House.

The Governor General.

The Governors of Bengal, Madras and Bombay.

The Governor of Ceylon.

The Lieutenant Governor of the North Western Provinces.

The Chief Justices of Bengal, Madras and Bombay.

The Bishops of Calcutta, Madras and Bombay.

The Members of the Supreme Council.

The Members of Council of Madras and Bombay.

The Puisne Judges of the Supreme Courts of Bengal, Madras and Bombay.

The Recorder of Prince of Wales' Island, Singapore and Malacca.

The Commander in Chief of His Majesty's Naval Forces.

The Commander in Chief of the Army in India.

The Commanders in Chief of the Army at Madras and Bombay.

And that the letters and packets sent by any of the persons aforesaid, shall be franked in such manner as may be directed by the Governor General of India in Council.

XXIX. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council, by an Order in Council, to grant to any person, or body of persons, the privilege of sending or receiving letters or packets either by letter post or banghy free of postage, on such conditions and under such rules as the said Governor General in Council may direct.

XXX. And it is hereby enacted, that if any Post Master General, or Post Master, shall suspect that any letter or packet lying for delivery at his Post Office contains any contraband article, or any article on which duty is owing to Government, or that any letter or packet lying for delivery at that Post Office contains any writing in contravention of the provisions of Sections IX. and X. of this Act, it shall be lawful for such Officer to summon the person to whom the letter or packet is directed, to attend at that Post Office by himself or Agent within forty-eight hours after the arrival of the letter or packet at that Post Office, and to open the letter or packet in the presence of the person to whom the letter or packet is directed, or of that person's agent; and if that person shall not so attend by himself or agent, then to open the letter or packet in the absence of that person.

XXXI. And it is hereby enacted, that the Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Office for conveyance, and that no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage unless that person had caused such loss or damage maliciously or fraudulently.

XXXII. And it is hereby enacted, that all fines incurred under any of the preceding provisions of this Act, may be levied on conviction before any Magistrate or Justice of the Peace, or before any person exercising the powers of a Magistrate; provided always that no person not a Post Master General, or Post Master, shall be competent to institute any prosecution for any violation of any of the preceding provisions of this Act.

XXXIII. And it is hereby enacted, that whoever being in the employ of the Government in the Post Office Department, or being in the employ of any person or persons who may contract with the Government, to convey letters or packets by Post for hire, shall fraudulently appropriate any letter or packet which may have been entrusted to him, or any thing contained in any such letter or packet, or shall open any such letter or packet, or any banghy box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment with or without hard labor for a term not exceeding seven years, and shall also be liable to fine.

XXXIV. And it is hereby enacted, that whoever being in such employ as is described in the last Section, and being entrusted to receive money for postage duty, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXV. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII. shall fraudulently put any wrong mark on any letter or packet, or shall fraudulently alter, or cause to disappear any mark which is on any letter or packet, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVI. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII. and being enstrusted with the preparing or keeping of any document, shall with a fraudulent intention, prepare that document incorrectly, or alter that document, or secrete or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVII. And it is hereby enacted, that whoever being in such employ as is described in Section XXXIII. puts any letter or packet into the Wallets of the Post Office, intending thereby to defraud the Government of the postage duty on such letter or packet, shall be punished, on conviction before a Magistrate, with imprisonment with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

XXXVIII. And it is hereby declared, that the tola weight mentioned in this Act, is the tola of 180 grains troy, being the standard weight of the Company's Rupee.

XXXIX. And it is hereby enacted, that this Act shall have effect from the 1st day of October, 1837, and that no postage duty shall be levied under the authority of this Act on any letter which shall be received at any Post Office before the said 1st of October, 1837.

Schedule A of Postage Duties on Letters, Parcels, Newspapers, &c. and of Banghy Postage.

1.

Letters.

MILES.	SINGLE.	DOUBLE.	
	Not Exceeding One Tola.	Exceeding One Tola and not exceeding Two Tolas.	
	Annas.	*Rupees.*	*Annas.*
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 Rupee	2	0

And upwards—Single Postage being added for each additional Tola.

2.

Law Papers, Accounts and Vouchers attested as such with the full Signature of the Sender.

MILES.	SINGLE.	DOUBLE.	
	Not Exceeding 3½ Tolas.	Exceeding 3½ Tolas and not exceeding 6 Tolas.	
	Annas.	*Rupees.*	*Annas.*
20	1	0	2
50	2	0	4
100	3	0	6
150	4	0	8
200	5	0	10
250	6	0	12
300	7	0	14
400	8	1	0
500	9	1	2
600	10	1	4
700	11	1	6
800	12	1	8
900	13	1	10
1,000	14	1	12
1,200	15	1	14
1,400	1 Rupee	2	0

And upwards—Single Postage being added for every 3 additional Tolas.

3.

Newspapers, Pamphlets and other printed or engraved Papers, packed in short covers open at each end.

DISTANCE.	Newspapers, Pamphlets, &c., printed in India. Weight.			Imported Newspapers, Pamphlets, &c. Weight.	
	Not exceeding 3½ Tolas.	Exceeding 3½ Tolas and not exceeding 6 Tolas.	Exceeding 6 Tolas and not exceeding 9 Tolas.	Not exceeding 6 Tolas.	Exceeding 6 Tolas and not exceeding 12 Tolas.
	Annas.	Annas.	Annas.	Annas.	Annas.
Not exceeding 20 miles,	1	2	3	1	2
" " 400 ditto,	2	4	6	2	4
Above 400 ditto,	3	6	9	3	6
	Single Postage being added for every additional 3 Tolas.			Single Postage being added for every additional 6 Tolas.	

4.

Parcels sent by the Public Banghy not exceeding 600 Tolas in Weight, nor 15 Inches long by 12 deep and 12 broad, or 2160 Cubic Inches in size.

Distance.	WEIGHT.																							
Not exceeding Miles.	Not exceeding Tolas.																							
	50		100		150		200		250		300		350		400		450		500		550		600	
	Rs.	As	Rs.	As.	Rs.	As.	Rs	As.	Rs.	As.	Rs	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.
50	0	6	0	12	1	2	1	8	1	14	2	4	2	10	3	0	3	6	3	12	4	2	4	8
100	0	9	1	2	1	11	2	4	2	13	3	6	3	15	4	8	5	1	5	10	6	3	6	12
150	0	12	1	8	2	4	3	0	3	12	4	8	5	4	6	0	6	12	7	8	8	4	9	0
200	0	15	1	14	2	13	3	12	4	11	5	10	6	9	7	8	8	7	9	6	10	5	11	4
250	1	2	2	4	3	6	4	8	5	10	6	12	7	14	9	0	10	2	11	4	12	6	13	8
300	1	5	2	10	3	15	5	4	6	9	7	14	9	3	10	8	11	13	13	2	14	7	15	12
400	1	8	3	0	4	8	6	0	7	8	9	0	10	8	12	0	13	8	15	0	16	8	18	0
500	1	11	3	6	5	1	6	12	8	7	10	2	11	13	13	8	15	3	16	14	18	9	20	4
600	1	14	3	12	5	10	7	8	9	6	11	4	13	2	15	0	16	14	18	12	20	10	22	8
700	2	1	4	2	6	3	8	4	10	5	12	6	14	7	16	8	18	9	20	10	22	11	24	12
800	2	4	4	8	6	12	9	0	11	4	13	8	15	12	18	0	20	4	22	8	24	12	27	0
900	2	7	4	14	7	5	9	12	12	3	14	10	17	1	19	8	21	15	24	6	26	13	29	4
1,000	2	10	5	4	7	14	10	8	13	2	15	12	18	6	21	0	23	10	26	4	28	14	31	8
1,200	2	13	5	10	8	7	11	4	14	1	16	14	19	11	22	8	25	5	28	2	30	15	33	12
1,400 and upwards.	3	0	6	0	9	0	12	0	15	0	18	0	21	0	24	0	27	0	30	0	33	0	36	0

Books, Pamphlets Packets of Newspapers and any written, printed or engraved Papers sent by the Public Banghy, not exceeding 40 tolas in Weight and packed in short covers open at each end.

Not exceeding Miles.	Not exceeding 20 Tolas.	Exceeding 20 Tolas and not exceeding 40 Tolas.	
	Annas.	*Rupees.*	*Annas.*
100	2	0	4
200	3	0	6
300	4	0	8
400	5	0	10
500	6	0	12
600	7	0	14
700	8	1	0
800	9	1	2
900	10	1	4
1,000	11	1	6
1,100	12	1	8
1,200	13	1	10
1,300	14	1	12
1,400	15	1	14
Upwards.	1 Rupee.	2	0

B.

Ship Postage to be levied in addition to Land Postage on letters received or Sent by Sea.

Letters.		Newspapers, Pamphlets and other printed Papers packed in short covers open at each end.	Parcels not exceeding 300 Tolas Weight.
Outward.	Inward.		
Not exceeding 3 Tolas	Not exceeding 3 Tolas.	Not exceeding 6 Tolas Weight.	Not exceeding 100 Tolas Weight.
Annas.	*Annas.*	*Annas.*	*Annas.*
2	3	1	2
An Anna being added for every additional Tola.		An Anna being added for every additional 6 Tolas Weight.	Two Annas being added for every additional 100 Tolas up to 300 Tolas, beyond which no Parcel will be received.

THUGGEE.

ACT No. XVIII. OF 1837.

[*Passed on the 7th August,* 1837.

Any person charged with murder by Thuggee, or with having belonged to a Gang of Thugs, may be committed by any Magistrate or Joint Magistrate for trial before any Criminal Court competent to try such person.

It is hereby enacted, that any person charged with murder by Thuggee, (a) or with the offence of having belonged to a gang of Thugs, made punishable by Act No. XXX. of 1836, may be committed by any Magistrate or Joint Magistrate within the Territories of the East India Company, for trial before any Criminal Court, competent to try such person on such charge.

EVIDENCE.

ACT No. XIX. OF 1837.

[*Passed on the 7th August,* 1837.

No person to be incompetent as a witness by reason of conviction for any offence whatever.

It is hereby enacted, that no person shall, by reason of any conviction for any offence whatever, be incompetent to be a witness in any stage of any Cause, Civil or Criminal, before any Court, in the Territories of the East India Company.

(a) Extended by Act 24, 1843, to persons concerned in the perpetration of Dacoitee.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. XX. OF 1837.

[*Passed on the* 11*th September*, 1837.

1. *Immoveable property as far as regards its transmission by will or in case of intestacy, to be of the nature of Chattels real and not of freehold.*

2. *Defects of title not to be taken advantage of, if transmission took place before* 1*st October*, 1837, *according to rules relating to freehold property, or according to the law of the nation to which deceased person belonged, or was acquiesed in by other parties interested, or was according to rules relating to Chattels real.*

3. *Persons conveying for valuable consideration before the* 1*st October* 1837, *to retain the consideration in certain cases.*

I. It is hereby enacted, that from the first day of October, 1837, all immoveable Property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, shall, as far as regards the transmission of such property on the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, be taken to be, and to have been of the nature of Chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable Property as is aforesaid, no advantage shall be taken of any defect of title, arising out of the transmission of such property upon the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, if such transmission took place before the said first day of October, and if such transmission were according to the Rules which regulate the transmission of freehold property, or were according to the law of the nation to which the deceased person belonged, or took place with the acquiesence of all those to whom any interest in that property would, according to the Rules which regulate the transmission of Chattels real, have accrued upon the death of that person.

III. Provided also, that in all cases where such immoveable Property derived from a deceased person, shall have been, before the said first day of October, conveyed for a valuable consideration by any person who would be entitled to convey the same accord-

ing to the Rules which regulate the transmission of freehold Property, or according to the law of the nation to which the deceased person belonged, the person who so conveyed shall be entitled to retain to his own use the consideration received for such conveyance.

See Act No. X. of 1837.

OATHS AND DECLARATIONS.

ACT No. XXI. OF 1837.

[*Passed on the 25th September,* 1837.

1. *Governor in Council of any Presidency having a Council, and Governor of any Presidency not having a Council, and Lieutenant Governor of the N. W. Provinces, may dispense with any oath now required to be taken.*

2. *The above dispensing power not to extend to oaths taken in the course of judicial proceedings.*

3. *When an oath is dispensed with, a declaration in writing to the same effect shall be substituted.*

4. *Any person knowingly stating any untruth in any declaration, which would have been perjury in an oath, shall be punished with imprisonment, not exceeding a year, or fine, or both.*

I. It is hereby enacted, that from the first day of October, 1837, it shall be lawful for the Governor in Council of any Presidency of which there is a Council, and for the Governor of any Presidency of which there is no Council, to dispense with any Oath which by any Regulation of that Presidency or by any Act of the Governor General of India in Council is now required to be taken, and that it shall be lawful for the Lieutenant Governor of the N. W. Provinces to dispense with any Oath which by any Regulation or any Act of the Governor General of India in Council now in force within those Provinces is now required to be taken.

II. Provided always, that the dispensing power given by this Act shall not extend to any Oath now required by Law to be taken in any stage of any Judicial proceeding.

III. And it is hereby enacted, that whenever any Oath is dispensed with under the authority given by this Act, the person who but for such dispensation would have been legally required to take

such Oath shall, in the presence of the functionary by whom but for such dispensation such Oath would have been administered, make and subscribe a Declaration in writing to the same effect with such Oath.

IV. And it is hereby enacted, that whoever shall, in any Declaration made and subscribed according to the Provisions of this Act, knowingly state any untruth such that if that untruth had been stated on Oath, the person stating it would have been guilty of perjury, shall be punished with imprisonment for a term not exceeding one year, or fine, or both.

MADRAS.—REVENUE.

ACT No. XXII. OF 1837.

[*Passed on the 25th September,* 1837.

1. *Neither the Criminal Judge nor the Magistrate of Chingleput to have jurisdiction in respect of offences against the revenue within the Collectorate of Madras.*

2. *The jurisdiction of such Criminal Judge and Magistrate to be exercised by the Superintendent of Police of Madras, and by his deputies subject to same rules as Criminal Judge and Magistrate.*

3. *Superintendent and Deputies not to be subject to the orders of the Court of Circuit, &c., nor be bound to furnish any Calendar, &c. to that Court, but only to Court of Foujdarry Adawlut.*

4. *Superintendent and his Deputies may commit any person to Madras Jail, whom the Criminal Judge &c. might have committed.*

5. *Clause* 5, *Sec.* 8, *Reg.* 15, 1803 *to apply to Convicts committed by Superintendent or his Deputies.*

I. It is hereby enacted, that from the first day of November, 1837, neither the Criminal Judge nor the Magistrate of the Zillah of Chingleput, shall have any jurisdiction in respect of offences committed within the Collectorate of Madras against any Regulation relating to the public revenue.

II. And it is hereby enacted, that the whole jurisdiction now belonging to the said Criminal Judge, and also the whole jurisdiction now belonging to the said Magistrate in respect of such offences, shall, from the first day of November, 1837, belong to the Superintendent of Police of the Town of Madras, and to every one

of the Deputies of the said Superintendent, and shall be exercised by the said Superintendent and by every one of the said Deputies, according to the rules by which the said Criminal Judge and the said Magistrate are now bound to exercise the same.

III. Provided always, that in the exercise of this jurisdiction the said Superintendent of Police and the said Deputies shall not be subject to the orders of the Court of Circuit for the Centre Division of the Madras Territories, nor be bound by any rule in the Madras Code of Regulations to furnish any Calendar, List, or Report to that Court, but shall be immediately subject to the orders of the Court of Foujdarry Adawlut, and shall furnish to the Court of Foujdarry Adawlut, such Lists or Calendars of charges preferred before them, or of persons sentenced to punishment by them, as the said Court of Foujdarry Adawlut may direct.

IV. Provided also, that it shall be lawful for the said Superintendent and every one of the said Deputies in cases in which the said Criminal Judge or the said Magistrate would now be empowered to commit any person to the Jail of Chingleput, to commit such person to any Jail within the Collectorate of Madras.

V. Provided also, that the Provisions of Clause 5th of Section VIII. of Regulation XV. of 1803 of the Madras Code, shall be applicable to all Convicts on whom sentence of imprisonment shall have been passed by the said Superintendent of Police, or by any of the said Deputies in the exercise of the jurisdiction transferred to them by this Act.

MADRAS.—JUDICIARY.

ACT No. XXIII. OF 1837.

[*Passed on the 2d October*, 1837.

The Governor in Council, by order in Council, may invest P. S. Ameens at Stations where Jail Deliveries are held, with powers of commitment in cases of perjury.

It is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to invest Principal Sudder Ameens at Stations where Jail Deliveries are

held, with the same powers of commitment in cases of Perjury as are exercised by the Criminal Judges under Section III. Regulation VIII. of 1829 of the Madras Code.

BENGAL.—POLICE.

ACT No. XXIV. OF 1837.

[*Passed on the* 2*d October*, 1837.

1. *The Governor of Bengal may appoint a Superintendent of Police for any part of that Province. Ditto the Governor of the N. W. Provinces for any part of those Provinces.*
2. *When a Superintendent is appointed under this Act, the duties and powers vested in the Commissioner of Revenue and Circuit, by Section* 7, *Reg.* 1, 1829, *shall cease: and such Superintendent shall be guided by Reg.* 10, 1808, *and subsequent Regulations.*
3. *Section* 3, *Reg.* 9, 1831, *to cease to have effect whenever Superintendent is appointed.*
4. *Superintendent to exercise all the powers now by Commissioner of Circuit under Section* 3, *Reg.* 1, 1829, *in regard to the appointment, suspension and removal of any Ministerial officer subordinate to Zillah Magistrate, City Magistrate, or Joint Magistrate.*
5. *Session Judge, when vested under Act* 7, 1835, *with the whole administration of Criminal justice, shall receive and try any appeal made to him from any order of Zillah or City Magistrate, or Joint Magistrate in any judicial proceeding whatever.*
6. *Decision of Session Judge in any such appeal not to be open to revision by the Nizamut Adawlut.*
7. *Session Judge, when vested with the whole administration of Criminal Justice, shall possess the same control, &c. over Jails, &c., and officers, &c. as formerly belonged to Commissioners of Circuit.*
8. *At what time this Act to come into operation.*

I. It is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal to appoint a Superintendent of Police for the Territories under his Government or for any part thereof, and for the Lieutenant Governor of the N. W. Provinces to appoint a Superintendent of Police for those Provinces, or for any part thereof.

II. And it is hereby enacted, that whenever a Superintendent of Police shall be appointed under this Act, such parts of Section

7, Regulation I. 1829 of the Bengal Code, as vest the Commissioner of Revenue and Circuit with the duties and powers belonging to the Superintendent of Police, shall cease to have effect in the Territories which may be comprised within the jurisdiction of such Superintendent,—and such Superintendent shall be guided in the execution of the duties of his Office by the Rules contained in Regulation X. 1808, and other Regulations of the Bengal Code, subsequently enacted, in regard to the said Office, in so far as they may not be modified or repealed by this Act.

III. And it is hereby enacted, that whenever such a Superintendent of Police as aforesaid shall be appointed for any jurisdiction, Section 3, Regulation IX. 1831 of the Bengal Code, shall cease to have effect within that jurisdiction.

IV. And it is hereby enacted, that the Superintendent of Police appointed under this Act, shall exercise all the powers that may be now legally exercised by the Commissioners of Circuit, in virtue of the authority vested in them by Section 3, Regulation I. 1829 of the Bengal Code, in regard to the appointment, suspension and removal of any Ministerial or Police Officer, subordinate to any Zillah or City Magistrate, or Joint Magistrate.

V. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. of 1835, be vested in any Session Judge, such Session Judge shall receive and try any appeal made to him from any order of any Zillah or City Magistrate, or Joint Magistrate, whether such order may have been passed in a Criminal trial or in any Judicial proceeding whatever—provided, that it shall not be competent to such Session Judge to interfere with any order passed by a Zillah or City Magistrate, or Joint Magistrate, regarding the appointment, suspension, or removal of any Ministerial or Police Officer, the revision of which has by Section IV. of this Act been entrusted to the Superintendent of Police.

VI. And it is hereby enacted, that the decision of a Session Judge in Appeal from the order of a Zillah or City Magistrate, or Joint Magistrate, in any Judicial proceeding other than a Criminal trial; and also the orders of the Superintendents of Police in regard to the appointment, suspension, or removal of a Ministerial or Police Officer of a Zillah or City Magistrate, or Joint Ma-

gistrate, passed under the provisions of Sections IV. and V. of this Act, respectively, shall not be open to revision by the Nizamut Adawlut.

VII. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. 1835, and Section V. of this Act, be vested in any Session Judge, such Session Judge shall possess the same control and superintendence over every Jail under the management of any Zillah or City Magistrate, or Joint Magistrate, subject to his jurisdiction, and over the Officers of every such Jail as may have been exercised by the Commissioners of Circuit under the provisions of Section 3, Regulation I. 1829, or of any Regulation, Act, or Circular Order of the Nizamut Adawlut, which may have been passed or issued since the promulgation of the said Regulation.

VIII. And it is hereby enacted, that this Act shall come into operation on the 1st January, 1838, except so much thereof as authorizes the appointment of Superintendents of Police which shall come into operation from the day of the passing of this Act.

BENGAL.—JUDICIARY SYSTEM.

ACT No. XXV. OF 1837.

[*Passed on the 2d October*, 1837.

1. *Suits of any value may be referred by a Zillah or City Judge to any Principal Sudder Ameen*

2. *Repeals so much of Clause* 2, *Section* 31 *of Regulation VII*, 1822, *and Section* 19 *of Regulation* 8, 1831, *as provides that Suits of the description therein referred to, shall not be cognizable by any Sudder Ameen or Moonsiff.*

3. *Zillah or City Judge may refer to any Principal Sudder Ameen, any original suit preferred under the provisions of Clause* 1*st Section* 30, *Regulation* 2, 1819.

4. *In all suits exceeding the value specified in Clause* 1*st*, *Section* 18, *Regulation* 5, 1831, *which shall, under Section* 1*st of this Act be referred to a Principal Sudder Ameen, the Appeal shall be direct to the Court of Sudder Dewanny Adawlut, and shall be conducted as if it were an Appeal from a Zillah Judge, and any application for a review of the decision upon such judgment shall be made by the Principal Sudder Ameen, to the Court of Sudder Dewanny Adawlut.*

5. *Suits referred by Zillah Judge, under Section 7, Regulation 5 of 1831, to a Sudder Ameen, or Principal Sudder Ameen, shall be subject to the same rules in regard to stamps and Appeal as if it had been tried by a Moonsiff.*

6. *In such Suits tried by the Principal Sudder Ameen, the Appeal shall be to the Zillah or City Judge, whose decision shall be final.*

7. *Suits referred for trial to a Principal Sudder Ameen, shall, if within the competency of a Sudder Ameen, be subject to the same rules in regard to Stamp Duties and Appeal, as if they had been referred to the Sudder Ameen, in the first instance.*

8. *The Courts of Sudder Dewanny Adawlut, may authorize the Judge of any Zillah or City Court to transfer to a Principal Sudder Ameen, any civil proceeding; and all proceedings so transferred shall be disposed of by the Principal Sudder Ameen, according to the rules prescribed for Zillah or City Judges: provided that an Appeal from the Principal Sudder Ameen shall lie to the Zillah or City Judge in the first instance and specially to the Sudder Dewanny Adawlut,*

9. *Repeals Clause 2, Section 2, Regulation 7, 1832. Appeals from the orders of a Principal Sudder Ameen to a Zillah or City Judge, must be preferred within 30 days from the date of the order, unless the appellant was prevented by circumstances beyond his control from presenting his Appeal within that period.*

10. *Repeals Clause 1, Section 25, Regulation 5, 1831.*

11. *Extends Clause 2 Section 25 Regulation 5 1831, to the ministerial officers of the Moonsiff's Courts.*

12. *All Ministerial Officers of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens shall be appointed by those Courts, subject to the general control of the Zillah and City Judge and Sudder Dewanny Adawlut.*

I. It is hereby enacted, in modification of Section XVIII. Regulation V. 1831 of the Bengal Code, that from the First day of November, 1837, no Zillah or City Judge within the Territories subject to the Presidency of Fort William in Bengal, shall be precluded, by reason of the amount or value of the property for the recovery of which a Suit is instituted, from referring that Suit to any Principal Sudder Ameen.

II. And it is hereby enacted, that so much of Clause Second, Section XXXI. Regulation VII. 1822, and Section XIX. Regulation VIII. 1831 of the Bengal Code, as provides that Suits of the description therein referred to, shall not be cognizable by, or referable to any Sudder Ameen or Moonsiff, be repealed.

III. And it is hereby enacted, that it shall be competent to every Zillah or City Judge within the said Territories to refer for trial and decision, any Original Suit preferred under the Provisions

of Clause First, Section XXX. Regulation II. 1819 of the Bengal Code, to any Principal Sudder Ameen, any thing in the existing Regulations to the contrary notwithstanding.

IV. And it is hereby enacted, that in all Suits exceeding the amount or value specified in Clause First, Section XVIII. Regulation V. 1831, which shall, under the authority of Section I. of this Act, be referred to a Principal Sudder Ameen, the Appeal from the decision of such Principal Sudder Ameen shall be direct to the Court of Sudder Dewanny Adawlut, and shall be conducted in all respects according to the same rules as if it were an Appeal from the decision of a Zillah Judge to the said Court of Sudder Dewanny Adawlut, and any application for a review of judgment on such decision shall be made by the said Principal Sudder Ameen directly to the said Court of Sudder Dewanny Adawlut, and shall be conducted in all respects as if it were an application for a review of a decision of a Zillah Judge.*(a)*

V. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories in the exercise of the discretion vested in him by Section VII. Regulation V. 1831 of the Bengal Code, shall refer for trial to a Sudder Ameen, or Principal Sudder Ameen, a Suit within the competency of a Moonsiff to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal as the said Suit would have been subjected to had it been received and tried by the Moonsiff in the first instance.

VI. Provided always, that when any such Suit shall have been decided by a Principal Sudder Ameen, the Appeal from such decision shall lie to the Zillah or City Judge, and shall be tried by him only, and that the decision of the Zillah or City Judge on such Appeal, shall be final, anything in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that whenever a Zillah or City Judge within the said Territories shall refer for trial to a Principal

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(a) By Act No. 6 of 1843, the provision of this Section in respect to Appeals from decisions passed by Principal Sudder Ameens is extended to all interlocutory orders passed by those Officers in Suits of the nature here specified.

Sudder Ameen a Suit within the competency of a Sudder Ameen to decide, such Suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to Appeal, as the said Suit would have been subjected to, had it been referred to and tried by the Sudder Ameen in the first instance.

VIII. And it is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny Adawlut within the Territories subject to the Presidency of Fort William in Bengal, by an Order, under the signature of the Register of such Court, to authorize the Judge of any Zillah or City Court, subordinate to such Court of Sudder Dewanny Adawlut, to transfer to a Principal Sudder Ameen any Civil proceedings, whether miscellaneous or summary, which may be depending at the time when such Order is issued or be thereafter instituted in the Court of the said Zillah or City Judge, and all proceedings so transferred shall be disposed of by the said Principal Sudder Ameen according to the Rules prescribed in the Regulations for the guidance of the Zillah and City Judges in the like cases,—provided however that an Appeal from the order of the Principal Sudder Ameen in such cases shall lie in the first instance to the Zillah or City Judge, and specially to the Sudder Dewanny Adawlut.

IX. And it is hereby enacted, that Clause Second, Section II. Regulation VII. 1832, be repealed, and that in all cases in which an Appeal from the orders or decision of a Principal Sudder Ameen to a Zillah or City Judge is authorized by Law, such Appeal shall not be received, unless the same be preferred within the period of thirty days from the date of the order or decision of the said Principal Sudder Ameen, to be calculated according to the rules prescribed in Clause Ten, Section VIII. Regulation XXVI. 1814, or unless it shall be proved, that the appellant was prevented by circumstances beyond his control from presenting his Appeal within the above mentioned period.

X. And it is hereby enacted, that Clause First, Section XXV. Regulation V. 1831, of the Bengal Code, be repealed.

XI. And it is hereby enacted, that the rule contained in the second Clause of Section XXV. Regulation V. 1831, be extended to the Ministerial Officers of the Moonsiff's Courts.

XII. And it is hereby enacted, that all Ministerial Officers of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens shall be nominated and appointed by those Courts respectively, subject to the general control of the Zillah and City Judges and Court of Sudder Dewanny Adawlut, within whose jurisdiction the said Courts may be situated.

GOVERNOR GENERAL OF INDIA.

ACT No. XXVI. OF 1837.

[*Passed on the* 16*th October*, 1837.

The Governor General to have all the powers of Governor General in Council except that of making Laws, from the notified day of his having quitted his Council for the N. W. Provinces, until he shall rejoin his Council.

It is hereby enacted, that from the day on which it shall be notified by an Order of the Governor General of India in Council, published in the Official Gazette, that the said Governor General has quitted his Council, for the purpose of proceeding to the North Western Provinces till the time at which the said Governor General shall next, after the said Notification, rejoin his Council, the said Governor General shall have all the powers of Governor General in Council, except the power of making Laws or Regulations.

BOMBAY.—SALT DUTIES.

ACT No. XXVII. OF 1837.

[*Passed on the* 8*th November*, 1837.

1 *On every maund of* 3,200 *tolas of Salt delivered from any Salt Work, a duty of Eight Annas shall be payable, unless remitted by Governor in Council.*

2. *Manufacture of Salt prohibited, until notice has been given to the Collector of the District, of the intention to manufacture ; such notice to describe the situation of the Works, the name by which they are known, and if manufactured at more places than one, the distance of the places from one another.*

3. *Collector upon receiving such notice shall depute one or more officers to be stationed at the place of manufacture.*

4. *Officer stationed at Salt Works shall have free passage over all parts of*

the Works at all times; take account of Salt manufactured and stored; mark the Salt, and prevent the removal of it, until the duty shall be paid.

5. *Collector on receipt of Duty shall give a receipt and order in form A.*

6. *Such receipt and order when filled up shall be a pass authorizing the removal of the Salt.*

7. *Governor in Council may establish Chokies near Salt works, and authorize officers stationed thereat to stop Salt irregularly removed, to search any suspected load passing such Chokie, and to take and cancel any Salt pass.*

8. *Collector may direct Salt works to be destroyed, of which notice has not been given.*

9. *Collector may direct the confiscation of any Salt removed otherwise than according to Rule, or stored clandestinely to evade duty.*

10. *Persons manufacturing Salt at any works whereof notice has not been given, or removing Salt otherwise than according to Regulation, or counterfeiting mark of Collector, shall be imprisoned not exceeding three months, or fined not exceeding 500 Rupees, or both.*

11. *Whoever obstructs any officer shall be imprisoned not exceeding six months, or fined not exceeding 1,000 Rupees, or both.*

12. *Officer accepting or obtaining, or attempting to obtain a consideration for doing or forbearing to do any official act, shall be imprisoned not exceeding two years, or fined, or both.*

13. *Officer practising or attempting to practise any fraud, or abetting or conniving at any, or at any attempt to practise a fraud on the revenue, shall be imprisoned not exceeding two years, or fined, or both.*

14. *Governor in Council may transfer the superintendence of the Salt Revenue from the Collector to any functionary.*

Form of Permit and Pass.

I. It is hereby enacted, that from the 15th day of December, 1837, there shall be paid to the Government on every maund of 3,200 tolas of Salt that may be delivered from any Salt work in the territories subject to the Government of the Presidency of Bombay, a duty of eight annas, except only in cases in which the Governor in Council of Bombay may grant a remission of such duty.

II. And it is hereby enacted, that from the said day Salt shall not be manufactured at any place within the said territories, unless the person conducting the manufacture shall have given notice in writing to the Collector of the district in which the place of manufacture may be situated, of his intention to manufacture Salt at that place; and every such notice shall contain a true and accurate description of the situation of the works and of the name by which they are known, and, if the person giving the notice manufactures

Salt at more places than one, of the distance at which those places are from each other.

III. And it is hereby enacted, that upon receiving such notice as is prescribed in the last preceding Section of this Act, the Collector of the District shall, by an order under his seal and signature, depute one or more Officers, who shall be stationed for such time as the said Collector shall direct at every such place of manufacture.

IV. And it is hereby enacted, that every Officer stationed at any Salt works in the manner described in the last preceding Section of this Act, shall be entitled to have free passage over all parts of such works at all times, and to take at any time account of the quantity of Salt manufactured and stored at such works, and to put on any portion of such Salt which may be stored such a mark as may be prescribed by the Collector of the District, and to prevent the removal of such Salt until the duty thereon has been paid.

V. And it is hereby enacted, that whenever the duty due under this Act on any portion of Salt has been paid to the Collector of the District within which such Salt was produced, such Collector shall deliver to the person who has paid such duty a receipt and order in the form marked A. annexed to this Act, which receipt and order shall specify the amount of duty paid, and the quantity of Salt which the person who has paid that duty is entitled to remove, and the place whence and the person to whom that quantity of Salt is to be delivered.

VI. And it is hereby enacted, that on the production of such a receipt and order as is described in the last preceding Section of this Act to the Officer stationed at the Salt works whence the Salt to which such receipt and order relates is to be removed, that officer shall fill up the blanks which are marked therein as intended to be filled up by that Officer, and shall tear off and retain that part of the receipt and order which is marked as intended to be torn off, and shall deliver the remaining part of the receipt and order to the person who removes the Salt, and the part of the receipt and order so delivered to the person removing the Salt shall be a pass authorizing the removing of that Salt.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to establish Chokies as near as conveniently may be, to works where Salt is manufactured, and to authorize any of the Officers stationed at such Chokies to stop and detain any Salt which is removed otherwise than in conformity with the foregoing rules, and to search any load which may pass any such Chokie, and which may be suspected to contain Salt, and to take and cancel every pass under which Salt shall be suffered to pass.

VIII. And it is hereby enacted, that it shall be lawful for the Collector of a District to direct that any Salt works within that District of which notice shall not have been given in the manner described in Section II. of this Act shall be destroyed.

IX. And it is hereby enacted, that it shall be lawful for the Collector of a District to direct the confiscation of any Salt which may have been removed from any works within that District otherwise than in conformity with the foregoing rules, or which is found clandestinely stored for the purpose of evading the duty imposed by this Act.

X. And it is hereby enacted, that whoever shall manufacture Salt at any works, whereof notice shall not have been given to the Collector of the District in the manner required by this Act, or shall remove or aid the removing of any Salt from any Salt works, otherwise than in conformity to the provisions of this Act, or shall, with a fraudulent intention, counterfeit any mark which a Collector of a District may have ordered to be put on Salt in store, shall be punished with imprisonment for a term not exceeding three months, or fine not exceeding 500 Rupees, or both.

XI. And it is hereby enacted, that whoever intentionally obstructs any Officer in the exercise of any powers given by this Act to such Officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 Rupees, or both.

XII. And it is hereby enacted, that whoever being an Officer appointed under the authority of this Act, shall accept or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIII. And it is hereby enacted, that whoever being an Officer, appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer the superintendence of the Salt revenue of any District from the Collector of that District to any other functionary, and that whenever such a transfer shall take place all provisions of this Act which apply to such a Collector, shall be applicable to the functionary to whom the superintendence of the Salt revenue has been so transferred.

PERMIT No. 1, OF ZILLAH SURAT

(THIS PART TO BE TORN OFF AND RETAINED BY THE OFFICER.)

Salt delivered this day and this order cancelled—1838
A. B. *Salt Officer.*

CERTIFIED that the sum of Rupees 250 on account of Government duty on five hundred Maunds of Salt has been paid at the Office of ——————for the District of———— on this day the ———— of ——— in the year————.The Salt is to be delivered by ——— at the ——— Works in Pergunna ————on or before the 20th Instant.

The Government Officer at those Works, Lala Munsa Ram, is to allow the same to be delivered, provided this order is presented on or before the said Twentieth day of December in the year 1838.

A. B., *Collector.*

Maunds 500.

10*th December*, 1838.

(*Tear off here*)————————————————

PASSED this 20th December, 1838, from Salt Works ———— belonging to ————, Maunds of Salt five hundred, to be carried away on Banjaree Bullocks (here enter number). This Pass will protect the dispatch to Doodea until sunset of the 21st December.

To be torn off and delivered to the Banjaree.

BENGAL.—STAMP OFFICER.

ACT No. XXVIII. OF 1837.

[*Passed on the 20th November,* 1837.

Repeals so much of Section 7, Regulation 10, 1829, *as directs that the manager of the Stamp Duties shall be a Covenanted Officer.*

It is hereby enacted, that so much of Section VII. Regulation X. of 1829, of the Bengal Code, as directs that the Officer to whom the management of the Stamp Duties may be transferred shall be a Covenanted Officer, be repealed.

BENGAL.—JUDICIAL LANGUAGE.

ACT No. XXIX. OF 1837.

Passed on the 20th November, 1837,

1. *The Governor General in Council may dispense with any Regulation which enjoins the use of the Persian language in Judicial or Revenue proceedings, and prescribe the language and character to be used.*

2. *The Governor General in Council may delegate the powers given by this Act, to any subordinate authority.*

I. It is hereby enacted, that from the First day of December, 1837, it shall be lawful for the Governor General of India in Council, by an Order in Council, to dispense either generally, or within such local limits as may to him seem meet, with any provision of any Regulation of the Bengal Code, which enjoins the use of the Persian language in any Judicial proceeding or in any proceeding relating to the Revenue, and to prescribe the language and character to be used in such proceedings.

II. And it is hereby enacted, that from the said day it shall be lawful for the said Governor General of India in Council, by an order in council, to delegate all or any of the powers given to him by this Act, to any subordinate authority, under such restrictions as may to the said Governor General of India in Council seem meet.

MADRAS.—POLICE.

ACT No. XXX. OF 1837.

Passed on the 20th November, 1837.

Aumeens of Police having the Police powers vested in Tuhsildars shall also possess all Police powers and Criminal Judicial powers vested in Tuhsildars, and be subject to the same Laws and Regulations in respect of such powers, as Tuhsildars.

It is hereby enacted, that from the Fifteenth day of December, 1837, all Aumeens of Police who have been or may be appointed according to Section XL. Regulation XI. of 1816 of the Madras Code, to act with the Police powers vested in Tuhsildars by that Regulation, shall possess all Police powers and Criminal Judicial powers which are vested in Tuhsildars within the Territories subject to the Presidency of Fort St. George, by any Law or Regulation whatever, and shall be subject to all provisions to which, by any Law or Regulation, Tuhsildars are subject, in respect of any of those powers.

COINAGE.

ACT No. XXXI. OF 1837.

Passed on the 20th November, 1837.

1. *Suspends so much of Act 17, 1835, as directs certain Coins to bear the head of Her Majesty.*

2. *Until Order in Council, the Coins shall bear the head of His Majesty William 4.*

1. It is hereby enacted, that so much of Act No. XVII. of 1835, as directs that certain Coins issued from the Mints within the Territories of the East India Company shall bear on the obverse the head of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, shall be suspended, till the Governor General of India in Council shall, by an Order in Council, declare those parts of the said Act to be again in force.

II. And it is hereby enacted, that till the said Governor General in Council shall make such an Order in Council as is aforesaid, the said Coins shall bear on their obverse the head of His late Majesty, William the Fourth.

EMIGRATION ACT.

ACT No. XXXII. OF 1837.(a)

Passed on the 20th November, 1837.

I. It is hereby enacted, that from the Fifteenth day of December, 1837, Act No. V. of 1837, be repealed.

II. And it is hereby enacted, that from the said day no Native of India, except as hereinafter excepted, who makes a contract of service to be performed without the Territories of the East India Company, shall embark, in pursuance of such contract, on board of any Vessel, at any place, within the said Territories, without an Order from the Government of the Presidency to which such place may belong, or a Permit from an Officer authorized to act in that behalf by the Govenor in Council of the Presidency, if there be a Council of that Presidency, but if there be no Council, then by the Governor thereof.

III. And it is hereby enacted, that before any such Permit shall be granted by any such Officer, such Native, and also the person with whom such Native has contracted, or an authorized Agent of that person, shall personally appear before that Officer, and shall exhibit a memorandum of the contract written both in English and in the mother tongue of such Native, which memorandum shall specify the nature, the term, and the wages of the service, as settled by the contract.

IV. And it is hereby enacted, that no such Permit shall be granted, unless the contract of service shall be made determinable on the expiration of one term of not more than five years, to be reckoned from the date of the contract, or of successive terms, none of which shall exceed five years; and unless such contract shall contain a stipulation that such Native shall be conveyed back to the Port at which he is embarked, free of charge to himself, at the expiration of his service

V. And it is hereby enacted, that it shall be lawful for the said Officer to examine the said Native, and the person with whom that Native has contracted, or the Agent of that person, touching the terms of the contract, and shall cause those terms to be distinctly explained to the said Native.

VI. And it is hereby enacted, that if the said Officer shall be satisfied that the said Native fully understands the terms of the contract and is desirous to fulfil the same, the said Officer shall make and sign on the back of the written memoramdum aforesaid, a note to the effect that the said written memorandum has been inspected by him the said Officer; and such note shall be a Permit, authorizing the said Native to embark; and the memorandum of contract, with the Permit so written thereupon, shall be delivered to the Native, and be kept by him during his service.

(a) Repealed by Act 14, 1839.

VII. And it is hereby enacted, that if application is made for Permits, authorizing more than twenty Natives to embark on board of any one vessel, it shall be lawful for the Officer aforesaid to summon the person in charge of that vessel and to examine that person as to the accommodations, food and medical attendance provided for such Natives on board of that vessel, and to inspect that vessel, or by an order under his hand, to depute any other person to inspect the same.

VIII. And it is hereby enacted, that the Officer aforesaid shall not grant Permits authorizing a greater number of Natives than twenty to embark on board of any one vessel, unless he is satisfied that the accommodations, food and medical attendance, provided for such Natives on board of that vessel, will be sufficient for their health.

IX. And it is hereby enacted, that the Officer aforesaid shall keep a Register of all Natives to whom he shall grant such Permits as aforesaid, which Register shall specify their names, the periods of the contracts, the dates of the Permits, the places of their destination, and the vessel on board of which they are permitted to embark;—and also the names of the parties with whom the contracts are made, and of the Agents of such parties as appear by Agents, and of the Masters of the vessels on which such Natives are permitted to embark.

X. And it is hereby enacted, that for every such Permit it shall be lawful for the Officer aforesaid, to require that a fee, not exceeding one rupee, shall be paid by the person with whom the Native to whom the Permit relates has contracted, or by the authorized Agent of that person.

XI. And it is hereby enacted, that whoever being in charge of any vessel, at any place within the Territories of the East India Company, shall knowingly suffer any such Native as is aforesaid, to embark on board of that vessel in pursuance of any such contract as is aforesaid, without either an order from the Government of the Presidency to which such place may belong, or such a Permit as is aforesaid being produced to him by the Native so embarking, shall, on conviction thereof before a Magistrate, be punished with a fine not exceeding 200 rupees for every Native so suffered to embark, and, in default of payment of such fine, with imprisonment for a term not exceeding thirty days for every Native so suffered to embark.

XII. Provided always, that nothing in this Act contained, shall be taken to apply to any Native Seaman, who shall embark on board of any vessel in pursuance of a contract to navigate that vessel, or to any person who shall embark as a menial servant.

MADRAS.—POLICE,

ACT No. XXXIII. OF 1837.

Passed on the 20th November, 1837.

1. *Clauses 2 and 3, Section 4, Regulation 4 of 1821 shall apply to all petty offences cognizable by heads of District Police, as well as to petty thefts.*

2 *Head of District Police shall in his report to a Magistrate for final orders, state the description and extent of punishment, in his opinion proper, and the Magistrate shall record his reasons, if he varies it.*

I. It is hereby enacted, that from the Fifteenth day of December, 1837, the provisions of Clauses Second and Third, Section IV. Regulation IV. of 1821 of the Madras Code, shall apply to all petty offences cognizable by heads of District Police, as well as to petty thefts.

II. And it is hereby enacted, that whenever any head of District Police shall, under those provisions, report any case whatever to a Magistrate for final orders, such head of District Police shall state precisely in his report the description and extent of the punishment which, in his opinion is proper to be inflicted in that case; and the said Magistrate, if he give orders at variance in any respect with that opinion, shall record his reasons for varying from it.

MADRAS.—JUDICIARY SYSTEM.

ACT No. XXXIV. OF 1837.

[*Passed on the 20th November,* 1837.

1. *and 2. Repeals Section 6, Regulation 8, 1827. Magistrates may send persons for trial, committal, or confinement to Principal Sudder Ameens, except Europans and Americans, who shall be sent as heretofore to the Criminal Judge.*

I. It is hereby enacted, that from the Fifteenth day of December, 1837, Section VI. Regulation VIII. of 1827 of the Madras Code, shall be repealed; and that it shall be lawful for Magistrates, under the Government of the Presidency of Fort St. George, to send persons for trial, committal, or confinement, to Principal

Sudder Ameens, any provision of any Regulation to the contrary notwithstanding.

II. Provided always, that it shall not be lawful to send any European or American, for such purpose, to a Principal Sudder Ameen; but that Magistrates shall send Europeans and Americans for trial, committal, or confinement, to the Criminal Judges, as heretofore.

MADRAS.—JUDICIARY SYSTEM.

ACT No. XXXV. OF 1837.

[*Passed on the 20th November,* 1837.

1. *Repeals all provisions requiring any translations of Decrees passed by Sudder Adawlut, or by Provincial Courts, &c. to be attached to those Decrees, or furnished to the parties.*

2. *An Abstract of every Decree shall on the day of the promulgation of the Decree be entered in the Diary of the Court passing the Decree. Suitors to be entitled to have a copy of that Abstract.*

3. *Repeals rules for determining from what day time for appealing shall run. Such time to be computed from the day on which the Decree is sealed, &c. Further time to be allowed when copy, &c. of Abstract is delayed to be delivered.*

4. *The day on which the time for appealing will expire, shall be certified at the end of every document furnished to Suitor as aforesaid.*

5. *The day on which time for appealing will expire shall be proclaimed on the day when the Decree is sealed and signed.*

I. It is hereby enacted, that from the Fifteenth day of December, 1837, all provisions of any Regulation of the Madras Code, which direct that any translations of Decrees passed by the Court of Sudder Adawlut, or by the Provincial Courts, or by the Courts of Zillah Judges, or by the Auxiliary Courts, under the Presidency of Fort St. George, shall be attached or appended to those Decrees, or shall be furnished to parties in the Suits wherein those Decrees are passed, shall be repealed.

II. And it is hereby enacted, that from the said day, an Abstract of every such Decree, containing a succinct statement of the grounds of judgment, shall, on the day of the promulgation of the Decree, be entered in the Diary of the Court passing the Decree;

and every party in the Suit wherein the Decree is passed, shall be entitled to be furnished with a copy of that Abstract, on application for a copy thereof, or with a translation of that Abstract in a current language of the District or Country, on application for such a translation.

III. And it is hereby enacted, that from the said day, all rules now in force within the Presidency of Fort St. George, for determining from what days the limited periods for appealing from Decrees of the Sudder Adawlut, or of the Provincial Courts, or of the Zillah Judges, or of the Zillah Assistant Judges, or of the Zillah Registers, shall be computed, shall be repealed; and that such limited periods for appealing from any such Decree shall be computed from the day on which the Decree is sealed and signed, agreeably to Section XXVII. Regulation III. of 1802 of the Madras Code: Provided always, that if, within such limited period as aforesaid, an application be made by a Plaintiff or Defendant for a copy of the Decree, or for a copy or a translation of the Abstracts mentioned in the Clause last preceding, or for both a copy of the Decree and a copy or a translation of the Abstract, and if the Document or Documents so applied for be not delivered or tendered on the same day to the party applying, then, for every day of such delay not attributable to that party, a day shall be added to the period allowed for appealing, in as far as the right of that party is concerned.

IV. And it is hereby enacted, that the day on which the time for appealing will expire, shall be certified at the end of every document furnished to any party according to the last preceding Clause.

V. And it is hereby enacted, that on the day on which any such Decree is sealed and signed, the day on which the original limited period for appealing will expire shall be proclaimed in open Court.

MADRAS.-CRIMINAL LAW.

ACT No. XXXVI. OF 1837.

[*Passed on the 20th November*, 1837.

1. *The jurisdiction vested in Collectors, &c. by Regulation* 9, 1822, *and* 7, 1828, *in cases of embezzlement of public money, &c. and of falsification of public accounts &c. shall extend to such offences by any person of the classes described in Clause* 3, *Section* 2, *Regulation* 9, 1822.
2. *The same Regulations to apply to cases provided for by above Section.*

I. It is hereby enacted, that from the Fifteenth day of December, 1837, the jurisdiction vested in Collectors, Subordinate Collectors and Assistant Collectors, by Regulations IX. of 1822 and VII. of 1828 of the Madras Code, in cases of embezzlement of public money, and of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall extend to cases of the embezzlement of any public property or the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property, by any person of any of the classes described in the Third Clause of Section II. of the said Regulation IX. of 1822.

II. And it is hereby enacted, that from the said day, all provisions of either of the said Regulations IX. of 1822 and VII. of 1828, which apply to cases of the embezzling of public money, shall apply to cases of the embezzling of any public property whatever, by persons of any of the classes described in the Third Clause of Section II. of the said Regulation IX. of 1822: and that all provisions of either of those Regulations, which apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property whatever, by persons of any of the said classes.

BOMBAY.—POLITICAL OFFENCES.

ACT No. XXXVII. OF 1837.

[*Passed on the* 20*th November*, 1837.

1. *Repeals so much of Section* 26, *Regulation* 13, 1827, *as requires Special Courts to forward their proceedings to the Governor in Council, upon the trial of persons charged with political offences: such proceedings to be forwarded to the Foujdarry Adawlut.*

2. *Such trials to proceed according to the same rules as other trials: but sentence not to be carried into effect until proceedings reported to the Governor in Council.*

I. It is hereby enacted, from the First day of January, 1838, so much of Section 26, Regulation XIII. 1827, of the Bombay Code, as requires that the Special Courts for the trial of persons charged with offences of a political nature shall forward their proceedings to the Governor in Council, be repealed; and those Courts shall from the said First day of January, 1838, forward their proceedings to the Foujdarry Adawlut.

II. And it is hereby enacted, that the Foujdarry Adawlut, on the receipt of any trials referred to them under this Act, shall proceed thereupon according to the rules in force with respect to other trials referred to them; except that they shall in every instance report their sentence, with the whole of the proceedings held upon the case, to the Governor in Council, and shall wait the orders of Government before they direct their sentence to be carried into execution.

BENGAL.

ACT No. XXXVIII. OF 1837.

[*Passed on the* 20*th November*, 1837.

No person to be incapable of being appointed a Local Agent under Regulation 19, 1810, *by reason of his not being in the Civil, Military, or Medical branch of the service.*

It is hereby enacted, in modification of the provision contained

in Section IX. Regulation XIX. of 1810 *(a)* of the Bengal Code that no person shall, by reason of his not being in the Civil, Military, or Medical branch of the service, be incapable of being appointed a Local Agent under that Regulation.

BOMBAY.—CUSTOMS ACT.

ACT No. I. OF 1838.

[*Passed on the 3rd January,* 1838.

1. *Repeals all Regulations of the Bombay Code passed prior to* 1827, *excepting Sections* 1, 2, 3, *Regulation* 6, 1799. *and Clause* 2, *Section* 7, *Regulation* 9, 1800, *and Sections* 14, 17, 20, 21, 25, *Regulation* 1, 1805, *and Regulation* 2, 1810, *and Regulation* 6, 1814.

2. *Repeals Chapters* 1, 2, 4, 6, 8, 9, *Regulation* 20, 1827, *together with the Appendices A, B, C, E, H, I, J. K; also Regulation* 2, 1831; *Regulation* 13, 1831; *Regulation* 1, 1832, *Regulation* 4, 1833, *Regulation* 4, 1834, *and all parts of Regulations prescribing the levy of transit or Inland Custom duties &c. also Act* 2, 1836.

3. *The above Sections shall not prevent the levy of any town duty, or municipal tax, or toll on any bridge &c., or fee for erection or maintenance of light houses.*

4. *Import Custom duties shall be according to the rates specified in Schedule A.*

5. *Export Custom duties shall be according to rates specified in Schedule B.*

6. *The firman privileges of ships of European nations, in the port of Surat, not be affected by this Act.*

7. *Customs duties on goods passing by land into or out of foreign European settlements within the limits of the Presidency of Bombay shall be levied at the rate prescribed for exports and imports on foreign bottoms.*

8. *The Governor in Council may declare by notice that the territory of any Native Chief not subject to the authorities of the Presidency shall be deemed foreign territory, and to declare Goods passing into or out of it, liable to the duty fixed for British or foreign bottoms.*

9. *For the levy of Customs duties on goods exported by land to, or imported by land from such foreign territories, Customs-Chokees may be established. Officers at such Chokees may detain Goods to examine &c.—Goods not to be allowed to pass until certificate is produced of Customs-duties having been paid.*

10. *The Governor in Council may appoint Officers to receive Customs duties,*

(a) By this Regulations the repair of Bridges, Serays, &c is intrusted to the Board of Revenue, with the assistance of Local Agents, who, previous to the above Act, were required to be of one of the above services.

and grant certificates of payment. Certificate delivered to Chokee Officer shall entitle Goods to pass frontier.

11. *Governor in Council shall give public notice of the appointment of Officer to receive duties. Officer to give Certificates of payment. What the Certificate shall contain.*

12. *No certificate shall be received at any Chokee more than* 30 *days after date thereof. Certificate not used, may be renewed with fresh date, upon giving up the old one.*

13. *Governor in Council may prescribe by what routes Goods shall be allowed to pass into or out of Foreign territory. Goods taken by other routes except by ignorance or accident may be sent back.*

14. *Goods passed or attempted to be passed across any frontier guarded by Chokees between sunrise and sunset shall be seized and confiscated.*

15. *Any Chokee Officer permitting Goods to pass across the frontier not covered by Certificate, or to pass by prohibited route shall on Conviction before Collector of Customs be imprisoned not exceeding* 6 *months and fined not exceeding* 500 *Rupees, commutable if not paid to a further imprisonment of* 6 *months.*

16. *Chokee Officer needlessly and vexatiously injuring Goods under pretence of examining them, or wrongfully detaining Goods covered by Certificate shall be imprisoned for not exceeding* 6 *months, and fined not exceeding* 500 *Rupees, commutable to imprisonment for* 6 *months more.*

17. *Goods imported by Sea from Foreign European settlement in India, or from any native state, the inland trade of which is subject to the duties levied on Foreign bottoms, shall be liable to same duties as imports on Foreign bottoms.*

18. *No Goods liable to duty shall be exempted except by Governor in Council. Baggage in actual use may pass free.*

19. *Goods imported from any other part of the same presidency under Certificate shall be admitted free.*

20. *Duties paid on Goods at any other Presidency, shall be credited for at the Bombay Presidency.*

21. *Governor in Council may fix a value for articles liable to ad valorem duties.*

22. *Goods for which a value has not been fixed shall be assessed according to market value at the place and time of exportation or importation as case may be.*

23. *Owner or agent, &c. of Goods shall declare the market value in his application for Custom House pass. What other particulars shall be stated in application.*

24. *Every such declaration if deemed correct shall be countersigned by Officer as admitted. If declared value deemed below real value, Collector may take the Goods as purchased for Government at declared value.*

25. *Governor in Council may declare what shall be landing and shipping ports, and Goods landed or attempted to be, at any other than declared ports, shall be seized and confiscated.*

26. *Master of vessel arriving in any port shall deliver a manifest of cargo according to form, or shall send it by first boat.*

27. *Master liable to fine of* 1000 *Rupees, if the manifest shall not contain a full and true specification of Goods: and packages found on board in excess of the manifest, or differing &c. shall be liable to be seized and confiscated, or charged with increased duties.*

28. *If inward bound vessel shall remain outside or below the place fixed by Governor in Council for the first delivery of manifests, manifest shall be delivered to first person coming on board to receive it. Master refusing to deliver manifest shall be fined not exceeding* 1000 *Rupees, and until paid, no port Clearance shall be given.*

29. *No vessel shall break bulk, until Collector has received a manifest, and has given order for discharge of cargo. Collector may refuse such order until port clearances &c. shall have been delivered to him.*

30. *No Goods to leave any vessel, until vessel is entered in the Custom house and order for discharge of cargo is given. Goods to be seized as contraband, if removed in contravention of this provision. Cargo not declared for re-exportation may be sent to land.*

31 *If manifested goods are not found on board, or short, and not duly accounted for, the Master shall be liable to a penalty &c. Collector of Customs may permit Master to amend obvious errors in Manifest.*

32. *Places to be appointed for the landing and shipment of Goods; and goods not to be landed at any other.*

33 *Governor in Council may maintain special establishments of boats for the landing aud shipment of cargo. Goods sent in other boats liable to confiscation.*

34. *Officers may be sent on board to watch the lading and unlading of vessels.*

35. *Master of vessel refusing to receive Officer on board with one servant, or not affording him shelter, &c. and water with means of cooking, shall be fined, not exceeding* 100 *Rupees &c.*

36. *Collector of Customs may issue warrant for search of vessel. Officer may require Cabins &c. to be opened in his presence, or may break them open. Goods found concealed liable to confiscation. Master refusing to allow a search, to be fined* 1000 *Rupees.*

37. *Master removing or putting on board any Goods between sun-rise and sun-set, or on any day when Custom house is closed &c. without leave, shall be fined not exceeding* 500 *Rupees.*

38. *Cargo-boat not to make fast to or lie along side vessel with Custom-house Officer on board, unless it has a permit, or the Goods are covered by a pass.*

39. *Boat not to be sent on shore with cargo. Requisites of the boat note.*

40. *Goods brought to Custom-house, not corresponding with pass &c. shall be liable to confiscation.*

41. *Goods attempted to be removed after they have been landed, without a pass, shall be confiscated, unless the attempt was made without the sanction of the owner.*

42. *The Collector of Customs may require Goods brought by sea and stowed in bulk to be weighed or measured before sent to land, and may levy duty according to weight or measurement.*

43. *Salt certificated as having paid the duty may be re-exported without payment of further duty.*

44. *20 days exclusive of Sundays, &c. from time Officer goes on board shall be allowed for discharge of Vessels not exceeding* 600 *Tons,* 30 *for larger Vessels. Vessels detaining Officer longer shall pay his wages and expenses.*

45. *If no Officer is sent on board, Collector may fix a period, not less than* 20 *days for clearance of vessel inward. Collector may order Goods to be landed and warehoused for security of duties and of freight and primage, &c.*

46. *Vessel not exceeding* 600 *tons to be allowed* 15 *days to take in export cargo, beyond the* 20 *days before specified; vessel exceeding* 600 *tons to be allowed* 20 *days. What is to be done, in case of vessel having discharged cargo, being laid up.*

47. *Master putting Goods on board before Officer is placed on board, shall be fined not exceeding* 1,000 *Rupees, and the Goods be relanded.*

48. *Double duty to be levied upon Goods, if shipped after port clearance granted; or* 5 *per cent. on Goods free of duty, or on imported Goods the drawback shall be forfeited.*

49. *If vessel has put back from stress of weather, &c. and cargo has to be unshipped, a Custom House Officer shall go on board and take charge of cargo. Owner may land the Goods under the rules for the importation of Goods, and the export duty shall be refunded.*

50. *When Goods are relanded before the lading of a vessel is complete, &c., the duty shall be returned to the exporter.*

51. *Governor in Council may make rules for the anchoring of coasting and country craft, &c for delivery of manifests, &c. for landing and shipping Goods, &c. Persons Contravening such rules to be fined not exceeding* 100 *Rupees.*

52. *Pattamars, Dhonies, Botellos and other small craft from the Maldives, &c. shall be treated in Bombay as coasting craft of the British territory, provided they conform to regulations.*

53. *No drawback to be allowed on Goods shipped on such Native craft.*

54. *Goods in such vessels not subject to import or export duty: but if brought in such vessels and transhipped, they shall be liable to same duty as if brought in the vessel into which they are transhipped.*

55. *Goods not to be transhipped, except under order from the Collector.*

56. *Except at Bombay, an anchorage fee shall be levied on all country craft above the burthen of* 100 *maunds at rates in this section specified.*

57 *and* 58. *The Collector of Customs of the place where Goods are, shall be competent to adjudge confiscation. And may refuse port clearance until fine on person in charge of vessel is paid.*

59. *If seizure of Goods has been vexatious, the Collector may adjudge damages to owner, besides ordering Goods to be released. Such damages if accepted shall bar action against Officer. If confiscation of Goods is legal, but too heavy a penalty, the same may be commuted for double duty. Officers may be rewarded out of proceeds of sale of confiscated Goods.*

60. *Officers of Customs to be amenable to the Civil Courts by action, &c. But not Collector in respect of judicial awards.*

61. *Whoever intentionally obstructs an Officer shall be imprisoned not exceeding 6 months, or fined not exceeding 1,000 Rupees, or both.*

62. *Any Officer accepting a consideration for doing or forbearing any official Act, shall be imprisoned not exceeding 2 years, or fined, or both.*

63. *Any Officer practising or attempting or abetting or conniving at &c. any fraud against the revenue, shall be imprisoned not exceeding 2 years, or fined, or both.*

64. *Governor in Council may transfer powers of Collector of Customs to any other functionary, may make rules, &c. establish bunders, &c. and fix rates of wharfage and rent, &c.*

I. It is hereby enacted, that from the 1st February, 1838, all Regulations of the Bombay Code passed before the year 1827 and now in force, with the exception of Sections I., II., and III., Regulation VI., 1799, and of Clause 2, Section VII., Regulation IX., 1800, and of Sections XIV., XVII., XX., XXI. and XXV., Regulation I. of 1805, and of the whole of Regulations II., 1810 and VI., 1814, shall be repealed.

II. And it is hereby enacted, that Chapters I., II., IV., VI., VIII. and IX. of Regulation XX., 1827 of the said Code, together with the Appendices, A, B, C, E, H, I, J, K. of that Regulation, also Regulation II., 1831, Regulation XIII., 1831, Regulation I., 1832, Regulation IV., 1833, and Regulation IV., 1834, of the said Code, and all such parts of any Regulations of the said Code as prescribe the levy of Transit or Inland Customs duties, or as require the payment of any fee whatever on account of any vessel which may enter any port in the territories subject to the Bombay Presidency, and likewise the provisions of any kind contained in those or in any other Regulations for fixing the amount of duty to be levied on Goods imported or exported by sea at any place within the limits of the Bombay Presidency, or the drawback payable on the same, shall be repealed. And it is further enacted, that Act No. II. of 1836 shall likewise be repealed, except in so far as it repeals any Regulation of the Bombay Code.

III. Provided always, that nothing contained in the two preceding Sections of this Act shall be construed to prevent the levy of any Town Duty, or of any municipal tax, or of any toll on any bridge, road, canal, or causeway, for repair and maintenance of

the same; or of any fee for the erection and maintenance of light houses.

IV. And it is hereby enacted, that duties of Customs shall be levied on Goods imported by sea into any place in the territories subordinate to the Government of the Presidency of Bombay, after the said 1st February next, according to the rates specified in Schedule A. annexed to this Act, and with the exceptions specified therein, and the said Schedule with the Notes attached thereto shall be taken to be a part of this Act.

V. And it is hereby further enacted, that duties of Customs shall be levied upon Country Goods exported by sea from any ports of the Bombay Presidency after the said 1st February next, according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified, and the said Schedule with the Notes attached thereto shall also be taken to be a part of this Act.

VI. Provided however, that the ships of any European Nation having firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their firmans respectively, any thing in the Schedules or in this Act notwithstanding.

VII. And it is hereby enacted, that Duties of Customs shall be levied on Goods passing by land into or out of Foreign European Settlements, situated on the line of coast within the limits of the Presidency of Bombay, at the rates prescribed in the Schedules of this Act for Goods imported or exported on Foreign bottoms at any British port in that Presidency.

VIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay to declare by notice to be published in the Gazette of that Presidency, that the territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil Authorities of that Presidency, shall be deemed to be Foreign territory, and to declare Goods passing into or out of such territory liable either to the duty fixed for British or for Foreign bottoms, as the said Governor in Council may think fit.

IX. And it is hereby enacted, that for the levy of duties of Customs as above provided on Goods exported by land to, or imported by land from, such Foreign territories, Customs' Chokees

may be established at such places as may be determined by the said Governor in Council, and every Officer at every such Chokee shall have power to detain Goods passing into or out of any such Foreign territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the frontier line out of or into the territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate shewing that the Customs duty leviable thereupon has been paid in full.

X. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such Officers as he may think fit to receive money on account of Customs duties, and grant certificates of the payment thereof, and that such a certificate being delivered to any Chokee Officer shall entitle Goods to cross the frontier into or out of the East India Company's territories, provided that the Goods correspond in description with the specification thereof contained in such certificate, and that the certificate shew the entire amount of duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of duty certified therein shall not cover the entire amount of duty leviable on the Goods as ascertained at such examination, the Goods shall be detained until a further certificate for the difference shall be produced.

XI. And it is hereby enacted, that the said Governor in Council shall give public notice in the Official Gazette of the Presidency of Bombay of the appointment of every Officer appointed to receive Customs duties on Goods crossing the land frontier of the said Foreign territories, and the Officers so appointed shall on receipt of money tendered as Customs duty be bound to give to any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of Goods with the values and description thereof according to the statement furnished by the person so applying, provided only that the proper duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XII. And it is hereby enacted, that no certificate shall be re-

ceived at any Chokee that shall bear date more than thirty days before the date when the Goods arrive at the Chokee. Provided however, that any person who has taken out a certificate from any authorized receiver of Customs duties, shall at any time within the said period of thirty days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of duty.

XIII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe, by public notice in the Official Gazette of the Presidency of Bombay by what routes Goods shall be allowed to pass into or out of any such Foreign territory, as is described in Sections VII. and VIII. of this Act; and after such notice shall be given, Goods which may be brought to any Chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that route was from ignorance or accident.

XIV. And it is hereby enacted, that Goods which may be passed, or which an attempt may be made to pass across any frontier guarded by Chokees between sunset and sunrise, or in a clandestine manner, shall be seized and confiscated.

XV. And it is hereby enacted, that any Chokee Officer who shall permit Goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit Goods to pass by any prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding 500 Rupees, commutable if not paid to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that if any Chokee Officer shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or who shall wrongfully detain Goods for which there shall be produced a sufficient certificate, such Officer shall, on conviction before the Col-

lector of Customs, or before any Magistrate, or Joint Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding 500 Rupees, commutable if not paid to imprisonment for a further period of six months.

XVII. And it is hereby enacted, that all Goods imported by Sea into any port of the Presidency of Bombay from any Foreign European Settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Bombay, under Section VIII. of this Regulation, to be subject to the duties levied on Foreign bottoms, shall be liable to the same duties as are imposed by Schedule A. on imports on Foreign bottoms.

XVIII. And it is hereby enacted, that no Goods whatsoever entered in either of the Schedules of this Act, as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor in Council of the Presidency of Bombay. Provided always, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House, to pass free of duty any baggage in actual use at his discretion ; and if any person shall apply to have Goods passed as such baggage the Collector, acting under the orders of the Government, shall determine whether they be baggage in actual use, or Goods subject to duty under the provisions of this Act.

XIX. Provided always, that when Goods are imported at any port of the Bombay Presidency from any other port in that Presidency under certificate that the export duty specified in Schedule B. has been duly paid thereon, or that there has been a re-export, and that the import duty specified in Schedule A. has been duly paid, the said Goods shall be admitted to free entry.

XX. Provided also, that when duties of Customs, shall have been paid on any Goods at any port in any part of the territories of the East India Company not subject to the Presidency of Bombay, and when such Goods shall subsequently be imported at any port of the Presidency of Bombay, credit shall be given at such last mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XXI. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay, from time to time, by notice in the Official Gazette of that Presidency, to fix a value for any article or number of articles liable to *ad valorem* duty, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same.

XXII. And it is hereby enacted, that when Goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the Schedules annexed to this Act, are brought to any Custom House in the Presidency of Bombay, for the purpose of being passed for importation, or exportation, the duty leviable on such Goods shall be levied *ad valorem*, that is to say, according to the market value of such Goods at the place and time of importation or exportaion as the case may be.

XXIII. And it is hereby enacted, that the market value for assessment of duties on *ad valorem* Goods shall be declared by the owner, consignee or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the Goods through the Custom House; and the value so declared shall include the packages or materials in which the Goods are contained, and the application shall truly set forth the name of the ship in which the Goods have been imported or are to be exported, the name of the master of the said ship, the colours under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the Goods were produced.

XXIV. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the Officer of Customs appointed to appraise Goods at the Custom House, and if it shall appear to him that the same is correct he shall countersign it as admitted; but if any part or the whole of the Goods shall seem to him to be undervalued in such declaration, he shall report the same to the Collector of Customs who shall have power to take the Goods or any part thereof as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take Goods for the Government, payment thereof shall

be made to the consignee or importer, if the Goods be imported Goods, within fifteen days from the date of the declaration, the amount of import duty leviable thereon being first deducted, and if the Goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs duty.

XXV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay to declare by public notice in the Official Gazette of that Presidency what places within the same shall be ports for the landing and shipment of merchandise, and any Goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

XXVI. And it is hereby enacted, that when any vessel shall arrive in any port of the Presidency of Bombay, the Master shall deliver a true manifest of the cargo on board, made out according to the form annexed to this Act and marked C. to the first person duly empowered to receive such manifest that may come on board, and if no such person shall have come on board before the anchor of the said vessel is dropped, then the manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor, and if the port be up a river or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an order published in the Official Gazette of the Presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward bound vessel, except such Country craft as are described in Sections LI. and LII. of this Act, to pass until the Master shall have forwarded in such manner as may be ordered by the said Governor in Council such a manifest as is required by this Act.

XXVII. And it is hereby enacted, that if the manifest so delivered by the Master shall not contain a full and true specification of all the Goods imported in the vessel, the said Master shall be liable to a fine of 1,000 Rupees, and any Goods or Packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or to be charged

with such increased duties as may be determined by the Collector of Customs under the orders of Government.

XXVIII. And it is hereby enacted, that if any inward bound vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of manifests, the Master shall deliver a manifest as hereinbefore prescribed, to the first person duly empowered to receive such manifest that may come on board, and if any vessel entering a port for which there is a Custom House established, shall lie at anchor therein for the space of twenty-four hours, the Master whereof shall refuse to deliver the said manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding 1,000 Rupees, and no entry or port clearance shall be given for such vessel until the fine is paid.

XXIX. And it is hereby enacted, that no vessel shall be allowed to break bulk until a manifest, as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the Collector of Customs, shall have been received by the said Collector, nor until order shall have been given by the said Collector for the discharge of the cargo; and that the said Collector may further refuse to give such order if he shall see fit until any port clearances, cocketts or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XXX. And it is hereby enacted, that no Goods shall be allowed to leave any vessel or to be put on board thereof until entry of the vessel shall have been duly made in the Custom House of the port, and until order shall have been given for discharge of the cargo thereof as above provided, and it shall be the duty of every Customs Officer to seize as contraband any Goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision. And after entry of the vessel at the Custom House in due form, such part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of

the Governor in Council of the Presidency of Bombay, and if an attempt be made to land or put on board Goods or Merchandize in contravention of the forms and rules so prescribed, the Goods shall be liable to seizure and confiscation.

XXXI. And it is hereby enacted, that if Goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if Goods sent out of the vessel be not landed at the Custom House, or at such other place as the Collector of Customs shall have prescribed, the Master shall be liable to a penalty not exceeding 500 Rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the Goods deficient and unaccounted for, if the duty can be ascertained. Provided however that nothing herein contained shall be construed to prevent the Collector of Customs from permitting at his discretion the Master of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence by furnishing an amended or supplemental manifest.

XXXII. And it is hereby enacted, that there shall, in every port of the Bombay Presidency, be one or more places appointed for the landing and shipment of Goods, and Goods shall not be landed at any other place without the special order in writing of the Collector of Customs for the port, and if any Goods be landed, or an attempt be made to land any Goods at any other than the said authorized places, without such order, they shall be seized and confiscated.

XXXIII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of boats for the landing and shipping of merchandize, or to license and register the cargo boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey Goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the Collector of Customs at the port, and any Goods that may be found on board of other boats than those so authorized for the port shall be liable to be seized by any Officer of Customs and shall be liable to confiscation.

XXXIV. And it is hereby enacted, that when the Governor in

Council of the Presidency of Bombay shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more Officers of such establishment to remain on board of any vessel in such port by night and by day, until the vessel shall leave the port, or it shall be otherwise ordered by the Collector.

XXXV. And it is hereby enacted, that any Master of such vessel at such port who shall refuse to receive such Officer with one servant on board, when such Officer shall be so deputed as above provided, or shall not afford such Officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary and with the means of cooking on board, shall be liable to fine not exceeding the sum of 100 Rupees for each day during which such Officer and servant shall not be received and provided with suitable shelter and accommodation.

XXXVI. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for such search addressed to any Officer under his authority, and upon production of such order the Officer bearing it shall be competent to require any cabins, lockers, or bulk-heads to be opened in his presence, and if they be not opened upon his requisition to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs shall be liable to confiscation, and any Master or person in charge of a vessel, who shall resist such Officer or refuse to allow the vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence to a fine of 1,000 Rupees.

XXXVII. And it is hereby enacted, that every Master of a vessel who shall remove from such vessel or put on board thereof any Goods, or cause or suffer any Goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom House is closed for business, without leave in

writing obtained from the Collector of Customs, shall be punished with a fine not exceeding 500 Rupees.

XXXVIII. And it is hereby enacted, that no cargo boat laden with Goods intended for exportation by sea shall make fast to, or lie alongside of, any vessel on board of which there shall be a Customs Officer stationed unless there shall be on board the boat, or have been received by the said Customs Officer, a Custom House permit or order for the shipment of the Goods, and the Goods on board of any boat that may so be alongside or be made fast to a vessel, if such Goods be not covered by a Custom House pass accompanying them, or previously received by the Customs Officer on board the said vessel shall be liable to confiscation.

XXXIX. And it is hereby enacted, that when Goods shall be sent from on board of any vessel having a Customs Officer on board for the purpose of being landed and passed for importation, there shall be sent with each boat load or other separate despatch a boat note, specifying the number of packages, and the marks and numbers or other description thereof, and such boat note shall be signed by an Officer of the vessel, and likewise by the Customs Officer on board, and if any imported Goods be found in a boat proceeding to land from such a vessel without a boat note, or if being accompanied by a boat note they be found out of the proper track between the ship and the proper place of landing, the boat containing such Goods may be detained by any Officer of Customs duly authorized by the Collector, and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the Goods shall be liable to confiscation.

XL. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any Goods not stated in the application be found concealed in or mixed up with the specified articles all such packages with the whole of the Goods contained therein, shall be liable to confiscation.

XLI. And it is hereby enacted, that if any person after Goods

have been landed, and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the revenue, the Goods shall be liable to confiscation, unless it shall be proved to the satisfaction of the Collector of Customs that the removal was not sanctioned by the owner or by any person having an interest in or power over the Goods.

XLII. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that Goods brought by sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and to levy duty according to the result of such weighing or measurement.

XLIII. And it is hereby enacted, that on application by the exporter of any Salt that has paid the Excise duty fixed by Act No. XXVII. of 1837, a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate the quantity of Salt specified therein shall be landed at any other port of the said Presidency of Bombay, and shall be passed from such port into the interior without the levy of any further duty either of Excise or of Customs.

XLIV. And it is hereby enacted, that when a Customs Officer shall be sent on board of any vessel to superintend the delivery of cargo, twenty days, exclusive of Sundays and Holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and Holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day when the Customs Officer first went on board. And if the whole cargo be not discharged by the expiration of the abovementioned periods, the Master shall be charged with the wages of such Officer, and other expences for any further period that such Officer may be detained on board. And if the owners, importers, or consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master so to do.

XLV. And it is hereby enacted, that when there shall be no Customs Officer sent aboard vessels discharging cargo, it shall be lawful for the Collector of Customs to fix a period, not being less

than twenty days, for the discharge thereof and clearance of the vessel inwards; and if any Goods remain on board after the time so fixed; or after the time allowed in the last preceding Section of this Act, the Collector may order the same to be landed and warehoused for the security of the duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master for the same. Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of the Master of the vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouses for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such vessel; and in case any Goods brought to land from any vessel be not claimed and cleared from the Custom House within three months from the date of entry of the ship in which such Goods were imported, it shall be competent to the Collector to sell the same on account of the duties and other charges due thereon, and the balance remaining after deducting the said duties and charges shall be held in deposit and paid to the owner on application.

XLVI. And it is hereby enacted, that when a Customs Officer shall be sent on board of any vessel discharging cargo, a further period of fifteen days, Sundays and Holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board export cargo if the vessel shall not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case not be charged with the wages and expences of the Customs Officer on board until after the expiration of such additional period: and if a vessel having discharged its import cargo shall be laid up, the Customs Officer on board shall certify that no Goods remain on board except necessary stores and articles for use, and when a vessel so laid up shall be entered at the Custom House for receipt of export cargo a Customs Officer shall be sent on board, and if the said last mentioned Officer shall certify that no Goods are on board except as above excepted, twenty days, exclusive of Sundays and Holidays, as above, shall be allowed from the date of such certificate for the

lading outwards of a vessel not exceeding six hundred tons, and thirty days for vessels exceeding that burthen, after which periods respectively the Master shall be charged with the wages and expences of the Customs Officer on board to the date of the vessel's sailing from the port.

XLVII. And it is hereby enacted, that when upon application from the Master of any vessel the Customs Officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding Section of this Act, if the Master of such vessel shall before a Customs Officer have again been placed in such vessel, put on board of such vessel, or cause or suffer to be put on board of such vessel, any Goods whatever, such Master shall be punished with a fine not exceeding one thousand Rupees, and the Goods shall be liable to be relanded for examination at the expense of the shippers, upon requisition to that effect from the Collector of Customs.

XLVIII. And it is hereby enacted, that upon any Goods liable to duty that may be passed through the Custom House for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed duty shall in all cases be levied, and if the Goods be free or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon, or if the same be imported Goods entitled to drawback the drawback shall be forfeited, but no separate duty shall be levied on drawback Goods.

XLIX. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or relanded, a Customs Officer shall be sent to watch the vessel and take charge of the cargo during such relanding or removal from on board, and the Goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export unless the Goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other vessel under special charge of the Officers of

Customs until the time of re-export, and all charges attending such custody shall be borne by the exporter. Provided, however, that in all cases of return to port after port clearance, on account of damage or for strees of weather, it shall be lawful for the Owner, or for the Master to enter the vessel and land the cargo under the rules for the importation of Goods, and the export duty shall in that case be refunded and the amount paid in drawback be reclaimed, and if Goods on account of which drawback has been paid be not found on board the vessel, the Master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

L. And it is hereby enacted, that when Goods shall be relanded before the lading of any vessel is complete, and before port clearance has been granted, the duty levied upon such Goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any Goods after port clearance shall have been granted for the vessel on which the Goods were exported, unless the vessel shall have put back for stress of weather or for damage, and the Goods shall have been relanded under the rule contained in the last preceding Section of this Act.

LI. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of Goods therefrom, and shipping of Goods therein, and that whoever being in charge of any such craft shall knowingly contravene any such rule, shall be liable to a fine not exceeding 100 Rupees for each offence.

LII. And it is hereby enacted, that Pattamars, Dhonies, Botellos, and other small craft from the Maldive or Laccadive Islands, or from the Native Ports of Kattywar, Cutch and Scinde, shall be treated in the ports of the Bombay Presidency like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring and mode of landing and shipping Goods as may be made by the Governor in Council of Bombay for such vessels in the several ports of the Bombay Presidency.

LIII. And it is hereby enacted, that no drawback shall be al-

lowed on Goods shipped on such Native craft as are described in the last preceding Section of this Act.

LIV. And it is hereby enacted, that Goods exported in the same vessels if manifested for re-export, shall not be subject to import or export duty, and if any Goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the Custom House for re-exportation in the vessel into which they may be transhipped.

LV. And it is hereby enacted, that no transhipment shall be made of any Goods except under special order in writing from the Collector of Customs of the port, and an Officer of Customs shall in all cases be deputed to superintend the removal of the Goods from vessel to vessel.

LVI. And it is hereby enacted, that at every port subordinate to the Bombay Presidency, the port of Bombay excepted, an anchorage fee shall be levied once at each port according to the burthen on all Country craft above the burthen of (100) one hundred maunds, at the rates herein-under specified.

					Fee. *Rupees.*	
Above	10 Candies (equal to 100 maunds,)	Not exceeding.	20 Candies,	200 Indian maunds,	1	0
,,	20		40		1	8
,,	40		60		2	0
,,	60		80		2	8
,,	80		100		3	0
,,	100		150		3	8
,,	150		200		4	0
,,	200		250		4	8
,,	250		300		5	0
,,	300		350		5	8
,,	350		400 and upwards,		6	0

LVII. And it is hereby enacted, that in all cases in which under this Act, Goods are liable to confiscation, the Collector of Customs of the place where those Goods may be shall be competent to adjudge such confiscation.

LVIII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to Customs, the Collector of Customs

shall be competent, subject to the orders of the Governor in Council of the Presidency of Bombay, to refuse port clearance to such vessel until the fine shall be discharged.

LIX. And it is hereby enacted, that it shall be lawful for any Collector of Customs, or other Officer who may be authorized to adjudicate Customs cases, if he shall decide that a seizure of Goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the proprietor by the Customs Officer who made such vexatious seizure, besides ordering the immediate release of the Goods ; and if the proprietor accept such damages, no action shall thereafter lie against the Officer of Customs in any Court of Justice on account of such seizure: and if such adjudicating Officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty; and if the said Officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the Goods, a proportion not exceeding one-half shall be distributed in rewards amongst such Officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

LX. And it is hereby enacted, that all Officers of Customs shall as heretofore be amenable to the Civil Courts of the Presidency or Island of Bombay by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts. Provided, however, that no suit shall lie against a Collector of Customs or other Officer for any Judicial award in a matter of Customs passed under the preceding Section of this Act.

LXI. And it is hereby enacted, that whoever intentionally obstructs any Officer in the exercise of any powers given by this Act to such Officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 Rupees, or both.

LXII. And it is hereby enacted, that whoever, being an Officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain from any person any property as a con-

sideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIII. And it is hereby enacted, that whoever, being an Officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the Customs revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an Order in Council, to transfer any of the powers given to a Collector of Customs by this Act to any other functionary, and to make any rules consistent with law for the carrying of this Act into effect, and to establish such bunders and appoint such Officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for Goods deposited or suffered to lie in the godowns of the Custom House.

SCHEDULE A.

Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Bombay.

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
1	Bullion and Coin, ...	Free. ..	Free.
2	Precious Stones and Pearls, ...	Ditto. ..	Ditto.
3	Grain and Pulse, ...	Ditto. ..	Ditto.
4	Horses and other living Animals,	Ditto. ..	Ditto.
5	Ice, ...	Ditto. .	Ditto.
6	Coal Coke, Bricks, Chalk, Stones, (Marble and Wrought Stones excepted,) ..	Ditto, ..	Ditto.
7	Books printed in the United Kingdom or in any British Possession, ..	Ditto. ..	3 per Cent.
8	Foreign Books, ...	3 per Cent. ..	6 per Cent.
9	Marine Stores the produce or manufacture of the United Kingdom or of any British Possession,	3 per Cent. ..	6 per Cent.
10	Do. do. the produce or manufacture of any other place or country, ..	6 per Cent. ..	12 per Cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or any British Possession, ..	3 per Cent. ...	6 per Cent.

SCHEDULE A.—(CONTINUED).

Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Bombay.

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
12	Metals, do. do., excepting Tin, the produce or manufacture of any other place, ..	6 per Cent. ..	12 per Cent.
13	Tin, the produce of any other place than the United Kingdom or any British Possession, ..	10 per Cent. ..	20 per Cent.
14	Woollens, the produce or manufacture of the United Kingdom or any British Possession, ..	2 per Cent. ..	4 per Cent.
15	Do., the produce of any other place or country, ..	4 per Cent. ..	8 per Cent.
16	Cotton Wool not covered by certificate of the payment of Export Duty at any other Port of Bombay, ..	9 As. per. Md. of 80 Tolas to the Seer. ..	1 Re. 2 As. per Md. of 80 Tolas to the Seer.
17	Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom, or of any British Possession,	3½ per Cent. ..	7 per Cent.
18	Do., the produce of any other place,	7 per Cent. .	14 per Cent.
19	Opium covered by a Pass, ...	Free. ..	Free.
20	Do. not covered by a Pass, ...	24 Rs. per Seer of Tolas ..	24 Rs. per Seer of 80 Tolas.
21	Salt not covered by a Pass, ...	8 As. per Md. of 80 Tolas per Seer. ..	8 As. per md. of 80 Tolas per Seer.
22	Alum, ...	10 per Cent. ..	20 per Cent.
23	Camphor, ...	10 per Cent. ..	20 per Cent.
24	Cassia, ...	10 per Cent. ..	20 per Cent.
25	Cloves, ...	10 per Cent. ..	20 per Cent.
26	Coffee, ...	7½ per Cent. ..	15 per Cent.
27	Coral, ...	10 per Cent. ..	20 per Cent.
28	Nutmegs and Mace, ...	10 per Cent ..	20 per Cent.
29	Pepper, ...	10 per Cent. ..	20 per Cent.
30	Ratans, ...	7½ per Cent. ..	15 per Cent.
31	Tea, ...	10 per Cent. ..	20 per Cent.
32	Vermilion, ...	10 per Cent. ..	20 per Cent.
33	Wines and Liqueurs, ...	10 per Cent. ..	20 per Cent.
34	Spirits, consolidated Duty, including any duties levied heretofore thro' the Police, .. And the duty on Spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the Imperial Gallon,	9 As. per Imperial Gallon. ..	1 Re. per Imperial Gallon.
35	Tobacco, ...	1 Re. 8 As. per Md. of 80 Tolas per Seer.	1 Re. 8 As. per md. of 80 Tolas per Seer.

SCHEDULE A.—(CONTINUED).

Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Bombay.

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
	Which duty shall be the minimum Customs duty levied on Raw Tobacco and all preparations thereof in all the ports of the Bombay Presidency, but if at the rate of 5 per cent. on the actual value, a higher duty than 1 Rupee 8 Annas per maund should be leviable on any preparation of Tobacco, the duty shall be levied *ad valorem* at that rate if imported on British Bottoms, and at 10 per cent. on Foreign Bottoms. And the Customs Duty laid upon Tobacco shall be allowed in settling for the Special Duty levied on the import of this article into the Island of Bombay, which Special Duty shall be levied at the rate of 9 Rupees for the Indian maund.		
36	All articles not included in the above enumeration, ..	3 per Cent. .	7 per Cent.

And if the Collector of Customs shall see reason to doubt whether the Goods liable to a different rate of Duty according to the place of their production come from the country from which they are declared to come by the importer, it shall be lawful for the Collector of Customs to call on the importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council at Bombay.

And upon the re-export by sea of Goods imported, excepting Opium and Salt, and all Goods of the growth, production, or manufacture of the continent of India, provided the re-export be made within two years of the date of import as per Custom House Register, and the Goods be identified to the satisfaction of the Collector of Customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback.

But no exporter of imported Goods shall be entitled to drawback unless the drawback be claimed at the time of re-export, nor shall any payment be made of drawback unless the amount claimed be demanded within one year from the date of entry of the Goods for re-export in the Custom House Registers.

SCHEDULE B.

Rates of Duty to be charged on Goods exported by Sea from any Port or Place in the Presidency of Bombay.

No.	*Enumeration of Goods.*	*Exported on British Bottoms.*	*Exported on Foreign Bottoms.*
1	Bullion and Coin, ...	Free. ..	Free.
2	Precious Stones and Pearl, ...	Ditto. ..	Ditto.
3	Books, Maps and Drawings printed in India, ..	Ditto. ..	Ditto.
4	Horses and living Animals, ...	Ditto. ..	Ditto.
5	Opium covered by a Pass, ...	Ditto. ..	Ditto.
6	Ditto not covered by a Pass, ...	Prohibited. ..	Prohibited.
7	Cotton Wool exported to Europe, the United States of America or any British Possession in America, ..	Free. ..	9 As. per Md. of 80 Tolas to the Seer.
8	Ditto ditto exported to places other than above, ..	9 As. per Md. of 80 Tolas per Seer.	1 Re. 2 As. per Md. of 80 Tolas to the Seer.
9	Salt having paid the Excise of 8 Annas a Maund, ..	Free. ..	Free.
10	Tobacco, ...	1 Re. 8 As. per Md. of 80 Tolas to the Seer.	1 Re. 8 As. per Md. of 80 Tolas per Seer.
11	All Country Articles not enumerated or named above, ..	3 per Cent. .	6 per Cent.

And upon the re-export to Europe, the United States of America or to any British Possession in America, or from any other port of the Bombay Presidency, of Cotton, that has been imported under certificate of the payment of the duty specified in this Schedule, provided that the re-export be made in British Bottoms within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export as per Custom House Registers, the whole amount of export duty levied at the first place of export shall be refunded.

SCHEDULE C.

Manifest of Goods imported per Commdr., from under Colors, viz.

Marks.	Numbers.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice Value.	Tariff Value.
A.	1 *a* 5	5 cases	250 pieces.			3000	Cambrics. L. Cloths, blchd. Do. unblchd. Madapollams, b. Do. unblchd. Plain Muslins.		

N. B. Articles generally to be specified, excepting such as Ironmongery, Hard-ware, Glass-ware, Earthen-ware, Cutlery, Perfumery, Confectionery, Stationery, and such like.

All Articles from Great Britain to be entered according to the English weight, not Native.

From China, in like manner in China weights.

In Imports and Exports of Bullion or Coin, to specify the sort of which they consist.

NORTH WESTERN PROVINCES.

ACT No. II. OF 1838.

[*Passed on the 5th January*, 1838.

Repealed by Act No. 14, 1843.

I. It is hereby enacted, that from the 1st day of February 1838, Salt shall not be manufactured at any place within the territories subject to the authority of the Lieutenant Governor of the North Western Provinces, the districts beyond the right bank of the Jumna river excepted, unless the person conducting the manufacture shall before preparing works for the production of such Salt, give notice in writing to the Collector of the district in which the place of manufacture may be situated, of his intention to manufacture Salt therein.

II. And it is hereby enacted, that upon receiving such notice as is prescribed in the preceding Section, the Collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said Collector shall think proper, at every such place of manufacture, and shall have power to take account of the Salt manufactured and stored, and to prevent the removal of the Salt until the Government duty thereon shall have been paid.

III. And it is hereby enacted, that every proprietor of Salt Works within the North Western Provinces, at which an officer shall be stationed as above provided, shall pay to the Collector the wages of one officer at the rate of 10 Rupees per mensem for so long as such officer shall be retained for the supervision of the Works; and if the Collector shall see fit to employ more than one officer to watch any set of Works, or to employ one officer receiving larger allowances than 10 Rupees per month, the wages of such extra officers, or the extra wages of such one officer, shall be defrayed by Government.

IV. And it is hereby enacted, that if any Salt Works be found producing Salt, of which notice has not been given in the manner prescribed by the first Section of this Act, such Works shall be destroyed, and any Salt stored thereat shall be seized and confiscated.

V. And it is hereby enacted, that it shall be the duty of every party under direct engagements with Government for the Land Revenue, either as a proprietor or farmer, and of every proprietor of Lakhiraj lands, upon whose zemindaree, farm, or lakhiraj estate there shall be any Works producing Salt, of which Works notice has not been given in the manner prescribed by the first Section of this Act, to give notice of the same in writing to the nearest public officer of Police or Land Revenue within ten days from the date on which the Works were first prepared, and every such proprietor, farmer, or proprietor of lakhiraj estate, who shall knowingly omit to give such notice shall forfeit a sum not exceeding 500 Rupees for every such Salt Work.

VI. And it is hereby enacted, that the Magistrate or Joint Magistrate of any City or District shall be competent to receive and determine all charges on account of things done in contravention of this Act.

VIII. And it is hereby enacted, that whoever offers any resistance to any officer appointed under the authority of this Act, in the exercise of the lawful power of such officer, shall be punished in like manner as if the resistance had been offered to the ordinary process of a Collector.

MADRAS AND COCHIN.—JUDICIARY.

ACT No. III. OF 1838.

[*Passed on the 5th January,* 1838.

1. *Repeals Act* 8, 1837.
2. *Joint Criminal Judge of Cochin having jurisdiction over Anjengo and Changancherry, shall exercise all the powers of Joint Magistrate as defined in Madras Regulations.*

I. It is hereby enacted, that Act No. VIII. of 1837, be repealed.

II. And it is hereby enacted, that whenever the Governor in Council of Fort Saint George shall appoint a Joint Criminal Judge of Cochin, and shall give to such Joint Criminal Judge jurisdiction over the Districts of Anjengo and Changancherry, such Joint Criminal Judge shall exercise, within his jurisdiction, all the powers of Joint Magistrate as defined in the Madras Regulations.

BOMBAY.—JUDICIARY.

ACT No. IV. OF 1838.

[*Passed on the 29th January,* 1838.

Sudder Adawlut may commit any person for Perjury apparently committed before it, and send him for trial to the Zillah Court.

It is hereby enacted, that if it shall appear to the Court of Sudder Adawlut of Bombay, that any person has been guilty of Perjury in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to

the Zillah Court nearest to the Presidency in order to his being brought to trial before the Session Court of the Zillah in which such Zillah Court is suitated; and such person shall be dealt with in the same manner, as if the Perjury had been committed within the limits of the local jurisdiction of such Court of Session.

Section III. of Act No. XV. of 1835, makes a similar provision for the Sudder Adawlut of Madras.

BENGAL BONDED WAREHOUSE ASSOCIATION ACT.

ACT No. V. OF 1838.

[*Passed on the* 14*th March*, 1838.

1. *The persons in Schedule I. to be a Corporate Body, by name of the Bengal Bonded Waarehouse Association.*

2. *Association may sue and be sued by its corporate name, and may hold by way of pledge; and may transfer property.*

3. *Ten Lacs, subscribed, shall be the Capital Stock, divided into* 2,000 *shares of* 500 *Rupees each.*

4. *Directors shall cause names &c. of Proprietors to be registered. Register book shall be open to inspection of all persons.*

5. *Each Proprietor shall be entitled to have either a Certificate for each share, or one Certificate for all his shares, signed by three Directors.*

6. *Shares may be transferred by indorsement on Certificate, by Proprietor or his Attorney. Transfer not effectual until registered, and registration noted by Officer of the Association on the back of the Certificate.*

7. *Proprietor of Stock ceasing to be such, shall cease to be a member of the Association. Persons becoming proprietors shall become members.*

8. *Business shall be managed by six Directors. Names of first Directors.*

9. *Director may be removed and elected by general meeting of Proprietors.*

10. *Directors to go out by rotation. Rotation to be settled by lot. Director going out, not re-eligible till the year following.*

11. *If Director ceases to be so except by rotation, a new one shall be elected at an extraordinary general meeting.*

12. *No person to be eligible to be a Director who has not* 15 *shares for which he has been registered* 3 *months.*

13. *No person eligible for Director, unless resident in the Bengal territory.*

14. *Ordinary meetings shall be held twice a year. What business shall be done at them. No dividend to be paid out of Capital.*

15. *Ordinary meetings may be adjourned.*

16. *Extraordinary meetings may be held according to Bye-laws, after* 14 *days public notice.*

17. *At general meetings questions to be decided according to majority of votes. No person to vote unless he has* 2 *or more shares.*

18. *Proprietors to vote according to following scale, viz. &c.*

19. *Joint vote of partners to be received as the vote of a single proprietor.*

20. *Proprietor may vote by proxy. Proxy may be general or special, limited or unlimited.*

21. *Directors may expend money in purchasing and erecting ware-houses, &c; may appoint and remove servants &c. and generally manage the concerns of the Association, subject to Bye-laws &c; may keep seal; but seal not to be used without the consent of* 3 *Directors who shall sign instrument,*

22. *Directors may call on Proprietors to pay such sum as, together with previous payments shall amount to* 50 *per cent on such share. Further calls to be made only under authority of general meeting.*

23. *Interest at the rate of* 10 *per cent to run on each call. Dividend may be applied in satisfaction of unpaid calls.*

24. *Directors may refuse to register transfer, by person who has not paid his instalment. Shares may be sold to satisfy calls. Purchaser to have a new Certificate.*

25. *Act XXV. of* 1836 *to extend to Warehouses of this Association.*

26. *Association may give a general security by Bond for payment of duties on gooods in its Warehouses.*

27. *Directors may fix rate for receiving goods.*

28. *Secretary to give a warrant to the person lodging goods. Warrant to be transferrable by indorsement,*

29. *Suits against the Association to be brought only in the Supreme Court.*

30. *The Joint Stock of the Association to be personal estate and in the nature of chattel interests, and not real estate.*

31. *Individual Members not to be liable, but only the property of the Association.*

32. *Association may make Bye-laws, subject to approval of two extraordinary general meetings.*

33. *The Association may increase its Capital Stock, by vote of two extraordinary general meetings.*

34. *If Stock is increased, original proprietors not bound to subscribe, but to have the option. Stock not taken by original proprietors, to be sold for the benefit of the Association.*

35. *All rules respecting original Stock, to apply to increased Stock.*

36. *East India Company shall have right of pre-emption, in case Association dispose of property purchased from East India Company. Price to be fixed by* 2 *appraisers.*

37. *Governor General in Council may after* 14 *March,* 1860, *direct Association to be dissolved.*

38. *Two thirds in number and value of proprietors of Stock may dissolve the Association, at 2 extraordinary meetings, held at intervals of 3 months.*

39. *Wherever dissolution takes place, the property of the Association shall be converted into money, and divided, and thereupon the Association shall be dissolved.*

Schedule 1. *List of Proprietors.*
2. *Warrant of Deposit.*

I. It is hereby enacted, that the persons whose names appear in the Schedule No. 1. hereunto annexed, shall, from the 14th day of March, 1838, form a corporate body for the Warehousing of Goods, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association.

II. And it is hereby enacted, that the said Association shall sue and be sued by its corporate name, and shall use such common seal as the Directors of the said Association shall from time to time appoint, and may acquire, may hold absolutely, may hold by way of pledge, and may transfer, any description of property whatever.

III. And it is hereby enacted, that the sum of 10,00,000 Rupees subscribed for the purposes of the said Association by the persons hereby incorporated, shall be the Capital Stock of the said Association, and shall be divided into 2,000 shares of 500 Rupees each, and that every one of the persons hereby incorporated shall have one share of such Capital Stock for every 500 Rupees which such person shall have subscribed.

IV. And it is hereby enacted, that the Directors of the said Association shall cause the names, additions, and places of residence of the proprietors of shares in the said Capital Stock, and the number of shares held by each proprietor, to be registered in a book, and the said shares shall in such book be numbered, beginning from No. 1, and such book shall be kept at the office of the said Association, and shall there be open to the inspection of all persons during the usual hours of business.

V. And it is hereby enacted, that a certificate signed by three Directors of the said Association shall be delivered to every proprietor of the said Capital Stock, and that it shall be at the option of every proprietor of several shares to receive one certificate for all the shares of such proprietor, or one certificate for each of those

shares or several certificates, each of which may be for any number of those shares.

VI. And it is hereby enacted, that any share or shares of the said Capital Stock may be transferred by indorsement made on the certificate for such share or shares by the proprietor of such share or shares, or by the Attorney of such proprietor duly authorized thereunto; provided always, that such indorsement shall specify the name of the party to whom the transfer is made; and provided also that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered in a Registry to be kept for that purpose at the office of the said Association, and until a note of such registration, and of the date thereof, shall lave been made on the back of the indorsed certificate under the hand of an officer appointed for that purpose by the Directors of the said Assosiation.

VII. And it is hereby enacted, that every proprietor of a share of the said Capital Stock who shall cease to be a proprietor of such Stock, shall cease to be a member of the corporation created by this Act; and that every person who shall become a proprietor of the said Capital Stock, shall become a member of the corporation created by this Act; and shall, in respect of his share or shares of the said Capital Stock, be under the same liabilities under which an original proprietor of the said Capital Stock would be.

VIII. And it is hereby enacted, that the business of the said Association shall be managed by six Directors; and that Francis Macnaghten, Joseph Walker, Jasper Ouseley, Richard Howe Cockerell, Alexander Colvin, Joseph Willis, and James Church, Esquires, shall be the first Directors of the said Association.

IX. And it is hereby enacted, that every Director of the said Association may be removed by a general meeting of the proprietors, and that every future Director of the said Association shall be elected by such a general meeting.

X. And it is hereby enacted, that a rotation among the Directors of the said Association shall be settled by lot, so that two of the said Directors may go out of office on the Monday following the 15th day of May in every year, and that on the Monday following the 15th day of May in every year a general meeting of

proprietors shall be held, at which two Directors shall be chosen, and that no Director going out by such rotation shall be capable of being re-elected, till the Monday after the 15th of May in the year next following.

XI. And it is hereby enacted, that if any Director of the said Association shall cease to be a Director, otherwise than by the operation of the rule of rotation aforesaid, the Directors of the said Association shall, with all convenient speed after such public notice as is hereinafter directed, call an extraordinary general meeting of the proprietors for the purpose of choosing a successor, and such successor shall come into the same place in the rotation aforesaid in which the Director whom he has succeeded was.

XII. And it is hereby enacted, that no person shall be capable of being a Director of the said Association, who shall not be a proprietor in his own right of fifteen shares of the Capital Stock of the said Association, which shares shall have been registered in his name not less than three calendar months before his election.

XIII. And it is hereby enacted, that no person shall be capable of being a Director of the said Association, unless he be resident within the territories subject to the Presidency of Fort William in Bengal.

XIV. And it is hereby enacted, that ordinary general meetings of the said proprietors shall be held at least twice in every year, that is to say, on the Monday following the 15th day of May, and on the Monday following the 15th day of November, and that at every such ordinary meeting the Directors of the said Association shall present a report in writing of the state of the affairs of the said Association, and a balance sheet, and that such general meeting may declare a dividend out of the profits of the said Association; provided always, that no dividend shall be made which shall diminish the Capital of the said Association.

XV. And it is hereby enacted, that any ordinary general meeting of the said Association may adjourn itself to a future day, and may, on the day to which it shall have so adjourned itself, resume its proceedings, and transact any business which it would have been competent to transact on the day when it originally assembled.

XVI. And it is hereby enacted, that extraordinary general

meetings of the said Association shall be held according to such rules as may be made for that purpose in the Bye-laws of the said Association; provided always, that no such extraordinary general meeting shall be held without a previous notice of not less than fourteen days, which notice shall be published in not less than two newspapers printed at Calcutta.

XVII. And it is hereby enacted, that at general meetings of the proprietors, every election and question shall be decided by a majority of votes; and that no proprietor shall be allowed to vote unless he be possessed of two or more shares of the Capital Stock of the said Association, which shares shall have been registered in his name not less than three calendar months before.

XVIII. And it is hereby enacted, that at such general meetings, no proprietor shall have more than eight votes, and that the proprietors shall vote according to the following scale:

2	Shares shall entitle to	1 Vote.
4	....	2 ditto.
6	....	3 ditto.
10	....	4 ditto.
20	....	6 ditto.
35	....	7 ditto.
50	....	8 ditto.

XIX. And it is hereby enacted, that if more persons than one, being partners in trade, shall be joint proprietors of two or more shares of the said Capital Stock, and shall agree to give a joint vote or joint votes, such joint vote or joint votes shall be received in all respects as the vote or votes of a single proprietor would be received.

XX. And it is hereby enacted, that every proprietor entitled to vote at any general meeting, may give a proxy in writing, general or special, limited or unlimited, and signed by himself or by his attorney duly authorized thereunto, to any other proprietor; and that the proprietor to whom the proxy is given, may vote on behalf of the proprietor who had given the proxy, according to the terms of such proxy.

XXI. And it is hereby enacted, that the Directors of the said Association shall have authority to expend the money of the said

Association for the purpose of purchasing and erecting warehouses, and of warehousing and bonding Goods therein, and to make and fulfil contracts for the said purpose, and to appoint and remove such servants as may be necessary for the said purpose, and generally to manage all the concerns of the said Association, subject to such rules as may be laid down in the Bye-laws of the said Association, and to keep the seal of the said Association, and to use the said seal in the affairs of the said Association, provided always that the said seal shall never be affixed to any instrument except in the presence and by the consent of three Directors, who shall sign their names on every such instrument in token of their presence and consent.

XXII. And it is hereby enacted, that the Directors of the said Association shall have authority to call on the proprietors to pay such instalment or instalments as shall, together with the instalments already paid, amount to a sum not exceeding 50 per cent. on each share; and that no further call shall be made, except in consequence of a vote of a general meeting of the proprietors authorizing such further call; provided always that no proprietor shall be called upon to pay more in proportion to his share in the Capital Stock than any other proprietor.

XXIII. And it is hereby enacted, that if any proprietor shall not pay any instalment which he is lawfully called upon to pay in the manner described in the last Section, on the day appointed for such payment, the said Association shall have a claim against such proprietor for interest on the deficient sum, after the rate of 10 per cent. per annum; and that it shall be lawful for the Directors of the said Association to apply, in satisfaction of such instalment and of such interest, any dividend due to such proprietor, placing every dividend so applied to the credit of such proprietor with the said Association.

XXIV. And it is hereby enacted, that it shall be lawful for the Directors of the said Association to refuse to register the transfer of any share belonging to any proprietor who shall not have paid such instalment and interest as aforesaid; and that in case such instalment and interest shall not be paid within two months after notice to pay the same has been given by the said

Directors to such proprietor, or to his attorney or attorneys duly authorized, it shall be lawful for the said Directors to sell by public sale the share or shares of such proprietor, to such an extent as may be sufficient to satisfy such instalment and interest, and to grant, upon such sale, a new certificate or new certificates to the purchaser of such share or shares, whereupon the former certificate or certificates for such share or shares shall become void, and if there be any surplus after such instalment and interest have been satisfied, such surplus shall be paid on demand to the proprietor of such share or shares, and shall, till demand, be credited in the books of the said Association to such proprietor, but no interest shall run thereon.

XXV. And it is hereby enacted, that all the provisions of Act No. XXV. of 1836 of the Governor General of India in Council, relating to private licensed warehouses, shall be applicable to all warehouses wherein the said Association shall receive bonded Goods.

XXVI. And it is hereby enacted, that it shall be lawful for the said Association to give general security, by bond, under the seal of the said Association, for payment of the full duties of importation on Goods lodged in any warehouse of the said Association, or for the due exportation of such Goods; and if the said Association shall give such bond, no security shall be required from any other party to the same effect.

XXVII. And it is hereby enacted, that the Directors of the said Association shall, from time to time, fix the rates at which the said Association will warehouse Goods and receive Goods at its wharfs, and that a table of such rates shall be placed at every warehouse and wharf of the said Association.

XXVIII. And it is hereby enacted, that as often as any Goods are lodged in any Warehouse of the said Association, the Secretary of the said Association shall deliver a warrant signed by him as such Secretary, to the person lodging such Goods, which warrant shall be, as nearly as possible, in the form set forth in Schedule II annexed to this Act, and such warrant shall be transferable by endorsement, and shall entitle any person to whom it may have been so transferred by endorsement, to receive the

Goods specified in such warrant, on the same terms on which the person who originally lodged those Goods would have been entitled to receive the same.

XXIX. And it is hereby enacted, that all suits brought against the said Association shall be brought in the Supreme Court of Judicature at Fort William in Bengal, and not elsewhere.

XXX. And it is hereby enacted, that all the Joint Stock of the said Association of what kind or description soever, and all the Land, Warehouses, Messuages, Tenements, Hereditaments, Premises and Property acquired therewith, of which the said Association shall become in any manner possessed, entitled to, or interested in, shall be held and enjoyed by the proprietors thereof, and their successors respectively, as Personal Estate, or as in the nature of Chattel Interests, and not as, or in the nature of, Real Estate.

XXXI. And it is hereby enacted, that in order to define the liability of Proprietors of shares, and to save harmless themselves and their respective Heirs, Executors, Administrators, Representatives, and Assigns, no Proprietor, his Heirs, Executors, Administrators, Representatives or Assigns, shall be personally liable to any person or persons whatsoever by reason of being a Proprietor in any event, or for or on account of any acts, deeds, contracts, or liabilities of the said Association, or of the Directors or Secretary thereof respectively, or under or by virtue of any judgment or decree in any action or suit, but that the party or parties having any legal or equitable demand or claim for or on the account last aforesaid, or having obtained such judgment or decree as last aforesaid, shall and may only recover the amount of such demand, claim, judgment, or decree from and out of or to the whole extent of the paid up Capital, accumulated Funds, Lands, Messuages, Tenements, Hereditaments, and Premises whatsoever, and wheresoever, which may at the time belong to the said Association, or to which they may at the time be entitled.

XXXII. And it is hereby enacted, that it shall be lawful for the said Association to make Bye-laws for the regulation of its own proceedings, which Bye-laws shall be binding only on its own members and officers; provided that no such Bye-law shall be valid till it shall have been approved of by two extraordinary ge-

neral meetings of proprietors specially convened for that purpose, of which meetings the second shall be held not less than one calendar month after the first; provided also that no such Bye-law shall be valid till it shall have been confirmed by the Governor of the Presidency of Fort William in Bengal.

XXXIII. And it is hereby enacted, that it shall be lawful for the said Association to increase its Capital Stock ; provided always that no such increase shall take place unless it be authorized by a vote of two extraordinary general meetings of Proprietors specially convened for that purpose, of which meetings the second shall be held not less than three calendar months after the first.

XXXIV. And it is hereby enacted, that in the event of such increase, the Proprietors of the original Stock shall not be bound to subscribe, but shall in the first instance have the option of subscribing for the increased Capital Stock in proportion to the share which each has of the original Capital Stock ; and so much of the additional Capital Stock as shall not be subscribed for by the said Proprietors of the original Stock, within one year after the passing of the final resolution for the increase, shall be open to the public, and be sold, for the benefit of the said Association, by public sale.

XXXV. And it is hereby enacted, that all the rules laid down in this Act respecting the original Capital Stock of the said Association, shall be applicable to any additional Stock which may be subscribed in the manner hereinbefore described.

XXXVI. And it is hereby enacted, that if the said Association shall be desirous to dispose of any premises purchased by the said Association from the East India Company, the said East India Company shall have the right of pre-emption, and the price shall be fixed by two appraisers, the one named on the part of the said East India Company, and the other by the Directors of the said Association ; and if the said appraisers shall not agree on a price, the price shall be fixed by an umpire named by the said appraisers.

XXXVII. And it is hereby enacted, that at any time after the 14th day of March, 1860, it shall be lawful for the Governor General of India in Council, by an Order in Council, to direct that the said Association be dissolved.

XXXVIII. And it is hereby enacted, that the said Association may at any time be dissolved by a resolution to that effect of two-thirds in number and value of the proprietors qualified to vote at two successive extraordinary meetings specially called for the purpose of taking into consideration the expediency of such dissolution; provided that not less than three months shall have elapsed between the first and second of such two extraordinary meetings.

XXXIX. And it is hereby enacted, that whenever the dissolution of the said Association shall be ordered either by the Governor General of India in Council, or by a vote of the said Association, the Directors of the said Association shall cause all the property of the said Association to be converted into money, and shall divide whatever surplus may remain after satisfying the debts of the said Association among the proprietors in proportion to the shares which the proprietors have in the Capital Stock of the said Association; and after such distribution the said Association shall forthwith be dissolved.

SCHEDULE No. 1.

LIST OF PROPRIETORS OF SHARES.

R. H. Cockerell.
W. Speir.
W. Martin.
R. Speir.
T. Speir.
J. S. Brownrigg.
J. Cockerell.
G. G. de H. Larpent.
J. St. Pourcain.
J. M. Dove.
Gungapersaud Gossain.
Ramchunder Seal.
J. Willis.
W. Earle.
D. Willis.
T. Willis.
J. Master.
G. C. S. Master, Lieut.
Trustees of Mrs. Limond's Marriage Settlement.
J. W. J. Ouseley, Captain.
G. A. Prinsep.
W. Barrington, Captain.
T. C. Robertson.
Ramdas Dey.
Bonomalee Mullick.
A. Muller.
Charles Trebeck.
T. Bowring.
J. W. Alexander.
T. B. Swinhoe.
Robert Swinhoe.
A. Dobbs.
John Watson.

SCHEDULE No. 1.—(CONTINUED).

LIST OF PROPRIETORS OF SHARES.

James Colquhoun.
James Church.
Edward Harding.
Henry Moore.
R. Watson.
Mrs. B. Betty.
Henry Mackenzie.
Adam Scott and Co.
Holodhur Chowdry.
Charles S. Gover.
K. R. Mackenzie.
S. R. Crawford.
T. A. Shaw.
W. A. Shaw.
H. Walters.
J. Innes.
W. Adam.
Joseph Worthington.
James Cullen.
J. C. Palmer.
A. Colvin.
W. Ainslie.
H. Cowie.
T. S. Anquetil, Lieut.-Col.
W. H. Martin.
A. Irvine, Major.
W. A. Peacock.
J. A. Moore, Major.
T. W. Burt.
William Braddon.
Francis Macnaghten.
Carr, Tagore and Co.
W. Carr, Trustee for Mrs. Dick's Marriage Settlement.
Robert Lyall.
Charles Lyall.
John Lyall.
David Lyall.
W. T. Dawes.
Colville, Gilmore and Co.
Alexander Rogers.
J. H. Crawford.
A. Porteous.
J. Mackey and Co.
James Mackenzie.
P. J. Sarkies.
G. Collier.
R. Bird.
J. Ranken, M. D.
Brijobullub Doss & Gocul Doss.
A. S. Stopford.
A. Beattie.
Wilson, Frith and Co.
G. C. Arbuthnot.
A. Jackson.
A. S. Gladstone.
J. Craigie, Lieut.-Col.
J. Williams.
J. B. Higginson.
Megnarain Roy.
Ramnarain Mookerjee.
Doorgachurn Mookerjee.
Gowrichurn Mookerjee.
I. B. Biss.
J. S. Biss.
Rogoonath Coondo.
W. F. Gibbon.
J. Cock.
H. F. King.
James Hill.
Taraneechurn Chatterjee.
G. Herklots, Junior.

SCHEDULE No. 1.—(CONTINUED).

LIST OF PROPRIETORS OF SHARES.

F. O. Wells.
C. Lancaster.
C. Lancaster, Trustee for Mrs. Cornish's Marriage Settlement.
George Dougal.
John Richards.
Bruce, Shand and Co.
G. W. A. Lloyd, Lieut.-Col.
W. Freeth, Captain.
J. P. Marcus.
Mrs. Bruce.
Miss L. W. Bruce.
Joseph Bruce.
Charles C. Bruce.
Debnarain Day.
William Bruce, Trustee for Mrs. Col. Lloyd.
W. Ryland.
M. Hughes, Captain.
Annunchunder Mitter.
J. A. Walker.
T. Hyde Gardiner.
J. C. Owen.
Moheschunder Mitter.
Prawnkisto Doss.
Conai Lal and Mukun Lal.
J. Rostan, Junior.
J. H. Rostan.
Madobchunder Sandell.
Dyalchaund Bysack.
Gopeekissen Paul.
Ditto ditto, for Mrs. A. G. Glass.
Ditto ditto, for E. B. Squire, Junior.
Doorgachurn Bose.
Rajkissore Lahory.
Gourmohun Coondoo.
S. Hornby.
Hurrischunder Bose.
Ramsoonder Mullick.
Rajchunder Ghose.
Radanauth Dutt.
H. Barrow.
Godadhur Mitter.
E. D'Cruz.
Goluckchunder Durr.
Luckinarain Day.
T. Blechynden.
W. Rushton.
A. J. Sturmer.
Boloram Day.
Obhoychurn Mookerjee.
Bolychaund Bysack.
Mrs. Sarah Moss.
W. Barrett.
Hurrimohun Mookerjee.
Mohunchunder Ghose.
Hurrimohun Banorjee.
Kistnomohun Seal.
Hurrochunder Bose.
W. Stacy.
J. George.
Mrs. C. Shelverton.
C. Shelverton.
Cassinath Bonerjee.
P. S. D'Rozario.
J. D'M. Sinaes, in Trust for Miss J. F. Speed.
Gorachand Bose.
J. E. Dunn.
D. W. H. Speed.
Rajkissen Dey.
Jomejoy Bhose.

SCHEDULE No. II.

CALCUTTA BENGAL BONDED WAREHOUSE ASSOCIATION.

I do hereby Certify that have deposited in the Warehouse of the Association, the undermentioned Goods which Goods, the Association engage on demand, after payment of rent and incidental charges and Government dues or customs chargeable thereon, to deliver to the said or their Assigns, or to the holder of this warrant to whom it may be transferred by indorsement. ——— *Secretary.*

BOMBAY.—JUDICIARY

ACT No. VI. OF 1838.

[*Passed on the* 19*th March*, 1838.

Governor in Council may authorize Commission of inquiry into charge of malversation against any public servant, to summon witnesses, administer oath, examine &c.

It is hereby enacted, that whenever the Governor in Council of the Presidency of Bombay shall appoint, or shall have appointed, a Commission to inquire into any charge of malversation against any public servant, it shall be lawful for such Governor in Council to authorize such Commission to summon witnesses before it and to administer an oath, or any substitute for an oath, to them, and to examine them in like manner as it is lawful for the Criminal Courts of that Presidency to do; and that any witness shall be guilty of perjury, who shall give such evidence before such Commission, so authorized, as, if given before a Court of Justice, would render such witness guilty of perjury.

BENGAL.—JUDICIARY.

ACT No. VII. OF 1838.

[*Passed on the 23rd April,* 1838.

Judge of Zillah or City Court may exercise the powers vested in a Single Judge of the Sudder Dewanny Adawlut by Clause 2, Section 2, Regulation IX. of 1831.

It is hereby enacted, that it shall be lawful for a Judge of any Zillah or City Court, within the territories subject to the Presidency of Fort William in Bengal, to exercise the powers vested in a single Jndge of the Sudder Dewanny Adawlut, by Clause 2, Section II. Regulation IX. of 1831 of the Bengal Code.

BOMBAY.—TOLLS,

ACT No. VIII. OF 1838.

[*Passed on the 23rd April,* 1838.

1. *Rates of toll levied at the Bhore Ghaut on Palanquins &c.*
2. *Act* 2, 1837, *to apply to tolls under this Act.*

I. It is hereby enacted, that from the 10th day of May, 1838, the following rates of Toll shall be levied, in the Company's Currency, at the Toll Gate of the Bhore Ghaut, on Palanquins and Laden Bullocks, both in going and returning.

On every Palanquin..... .... 1 Rupee.
On every Laden Bullock,. .... 6 Pies.

II. And it is hereby enacted, that from the said day, all the provisions of Act No. II. of 1837, of the Governor General of India in Council, shall be applicable to Palanquins and Laden Bullocks, and the Tolls to be levied thereon as if they had been inserted among the rates of Tolls contained in Section II. of that Act.

BOMBAY.—JUDICIARY.

ACT No. IX. OF 1838.

[*Passed on the* 30*th April,* 1838.

Session Judges in imposing a fine, may award part of it, as a compensation to the party injured.

It is hereby enacted, that from the Fifteenth day of May 1838, it shall be competent to the Session Judges within the Presidency of Bombay, in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to Magistrates to award fines, under Clause 1st, Section XIII. Regulation XII. of 1827 of the Bombay Code.

KUMAON.—NORTH WESTERN PROVINCES.

ACT No. X. OF 1838.

[*Passed on the* 30*th April,* 1838.

1. *Repeals Regulation* 10, 1817, *of Bengal Code.*
2. *Functionaries in Kumaon may be placed under control of Courts of Sudder Dewanny Adawlut, Nizamut Adawlut, and Sudder Board of Revenue, at Allahabad, in Civil, Criminal and Revenue cases respectively.*

I. It is hereby enacted, that Regulation X. 1817, of the Bengal Code, be repealed.

II. And it is hereby enacted, that the Functionaries who are or may be appointed in the Province of Kumaon, be henceforth placed under the control and superintendence, in Civil Cases, of the Court of Sudder Dewanny Adawlut at Allahabad, in Criminal Cases of the Court of Nizamut Adawlut at Allahabad, and in Revenue Cases of the Sudder Board of Revenue at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions, as the said Functionaries may have received, or may hereafter receive, from the Government of the North Western Provinces of the Presidency of Fort William.

BENGAL.—JUDICIARY.

ACT No. XI. OF 1838.

[*Passed on the* 14*th May*, 1838.

1. *Repeals Section* 15, *Regulation XIX. of* 1814.

2. *The Sudder Board of Revenue at Calcutta with the Sanction of the Governor of Bengal, and the Sudder Board of Revenue at Allahabad, with the sanction of the Lieut. Governor in the North Western Provinces may fix the remuneration for effecting a partition of an estate, and to cause the same to be levied as an arrear of Revenue.*

I. It is hereby enacted, that Section XV. Regulation XIX. of 1814, of the Bengal Code be repealed.

II. And it is hereby enacted, that it shall be lawful for the Sudder Board of Revenue at Calcutta, with the sanction of the Governor of Bengal, and for the Sudder Board of Revenue at Allahabad, with the sanction of the Functionary exercising the Authority of Government in the North Western Provinces, to fix the remuneration of an Ameen, or other person employed to effect a partition of an Estate under the Regulations enacted for that purpose, and to cause the same to be levied from the parties concerned in the same manner as an arrear of Revenue, at such periods, and in such proportions, as the said Boards may severally think fit.

MADRAS.—JUDICIARY.

ACT No. XII. OF 1838.

[*Passed on the* 21*st May*, 1838.

Powers vested in Zillah or Assistant Judges to be vested in Principal Sudder Ameen, in respect of hidden treasure, subject to same rules as applied to powers of former Judges.

It is hereby enacted, that from the First day of July, 1838, all powers vested by Regulation XI. of 1832, of the Madras Code, in Zillah or Assistant Judges, shall be vested in every Principal Sudder Ameen within the Territories subject to the Government of the Presidency of Fort St. George, in respect of all hidden Treasure of any of the kinds specified in Section II. of that Regulation,

which may be found within his jurisdiction; and all rules applicable to Zillah or Assistant Judges, shall be applicable to every such Principal Sudder Ameen, in respect of such Treasure.

BENGAL.—JUDICIARY.

ACT No. XIII. OF 1838.

[*Passed on the* 21*st May*, 1838.

1. *The Governor General in Council may extend Regulation XII. of* 1833 *to the Court of any Principal Sudder Ameen, Sudder Ameen, or Moonsiff.*

2. *The Governor General in Council, may delegate this power to the Governor of Bengal, and to the Lieutenant Governor of the N. W. Provinces.*

I. It is hereby enacted, that it shall be competent to the Governor General of India in Council, by an Order in Council, to extend any part of the Provisions of Regulation XII. of 1833, to the Court of any Principal Sudder Ameen, Sudder Ameen or Moonsiff.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to delegate the power given to him by Section I. of this Act to the Governor of Bengal, and to the Lieutenant Governor of the N. W. Provinces or to any functionary exercising the authority of Government in the N. W. Provinces.

MADRAS.—REVENUE.

ACT No. XIV. OF 1838.

[*Passed on the* 16*th July*, 1838.

The Governor in Council may extend Regulation 3, 1820, *and* 9, 1831, *to the Articles of Ganjah and Bang. No person without a license, to have more than one half viss.*

It is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to extend the provisions of Regulations III. of 1820 and IX. of 1831, to the Articles of Ganjah and Bang :—the quantity of Ganjah and Bang,

which each person shall be allowed to have in his possession without a license, within the limits specified in any such order, shall not exceed one half viss.

BOMBAY.

ACT No. XV. OF 1838.

[*Passed on the* 16*th July*, 1838.

***Repeals Clause* 1, *Section* 35, *Regulation* 12, 1827.**

It is hereby enacted, that Clause 1, Section XXXV. Regulation XII. of 1827, of the Bombay Code, be repealed.

BOMBAY.—JUDICIARY.

ACT No. XVI. OF 1838.

[*Passed on the* 23*rd July*, 1838.

1. *(1.)—All suits in regard to tenures, and the interests connected therewith, and all suits respecting the right to possession of land or of the wuttuns of hereditary Officers &c. shall be brought in the Courts of Adawlut, and not in Revenue Courts.*

(2.) But Revenue Courts may give possession of lands, &c. and all profits arising therefrom, to party dispossessed, provided application be made in 6 months after dispossession, but without prejudice to the right.

(3.) Saves the jurisdiction of the Revenue Courts under Clauses 3, 4, 5 of Section 31, Regulation 17, 1827.

2. *If Judge or Collector doubts his jurisdiction, he may refer to the Court which he deems to have jurisdiction, and the latter may refer to the Sudder Dewanny Adawlut whose decision shall be final.*

3. *Subordinate Courts doubting their jurisdiction shall refer to their immediate sperior, and the superior to the next higher Court as in last Section.*

4. *Sudder Dewanny Adawlut may refer to the proper Court proceedings which have been taken in a Court not having jurisdiction.*

5. *If suit is brought in a wrong Court the appeal Court shall not quash all the proceedings, but only annul the decree, and refer the suit to the proper Court. New stamps necessary only on new exhibits.*

6. *Original suits and appeals on subjects enumerated in Clause 1, Section 1, of this Act, depending in Revenue Courts, shall be transferred to Courts of Adawlut, &c.*

I. *Clause* 1*st.*—It is hereby enacted, in modification of the Rules contained in Chapter VIII. Regulation XVII. of 1827, of

the Bombay Code, that in the Territories subject to the Presidency of Bombay, all Suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all Suits in which the right to possession of land, or of the wuttuns of hereditary district or village Officers is claimed, shall be brought in the Courts of Adawlut and the Courts subordinate thereto, and not in the Courts of Revenue.

Clause 2nd.—Provided nevertheless, that it shall be lawful for the Revenue Courts to give immediate possession of all Lands, Premises, Trees, Crops, Fisheries, and of all profits arising from the same, to any party dispossessed of the same or of the profits thereof, provided application be made to them by such party within six months from the date of such dispossession. And in order to the due execution of such power, it shall be lawful for the Revenue Courts to determine the facts of such possession and dispossession;—and the party to whom the Revenue Courts shall so give immediate possession, shall continue in possession, until ejected by a decree of a Court of Adawlut.

Clause 3rd.—Provided also, that nothing contained in this Act shall be held to interfere with the jurisdiction defined in Clauses 3, 4, and 5 of Section XXXI. Regulation XVII. of 1827, of the aforesaid Code, which shall continue to be exercised by the Revenue Courts.

II. And it is hereby enacted, that if a Suit be presented in the Court of a Judge or Collector, which such Judge or Collector shall not deem within his jurisdiction, the party presenting such Suit shall be referred by the Court in which it may be first presented to that in which, in the opinion of such Court, the jurisdiction lies, and the latter Court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sudder Dewanny Adawlut, whose decision on the point shall be final.

III. And it is hereby enacted, that if a Suit be presented in any Court subordinate to the Court of a Judge or Collector, which Suit such subordinate Court shall not deem to be within its jurisdiction, such subordinate Court shall submit the case to the Judge's or Collector's Court to which such subordinate Court is

subordinate, and if the superior Court to which the case is so submitted shall be of opinion that such subordinate Court has jurisdiction in the case, such superior Court shall direct such subordinate Court to proceed with the case, and if such superior Court shall be of opinion that such subordinate Court has not jurisdiction in the case, such superior Court shall proceed in the manner directed in the last preceding Section.

IV. And it is hereby enacted, that whenever a Court of Adawlut or a Revenue Court shall have entered on its file, under this Act, a Suit in which it has not jurisdiction, it shall be competent to the Sudder Dewanny Adawlut, either on a reference from the Judge or Collector, (as the case may be,) or on application from the parties, to direct that the Suit be transferred, with all the proceedings which may have taken place therein up to the period of transfer, to the Court possessing jurisdiction, which shall proceed therewith as if the Suit had been originally filed in that Court.

V. And it is hereby enacted, that when any Court trying an Appeal finds that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a Court of Adawlut, or a Court subordinate thereto, or that the action was originally brought and decided in a Court of Adawlut, or a Court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the Court trying the Appeal shall, instead of quashing the whole proceedings, annul only the decree and refer the Suit to be tried in the Court to which the jurisdiction properly belongs, without further costs of stamps to the parties, except on new exhibits if any such should be allowed to be filed; and the Court trying any such case referred under the foregoing Section shall take further pleadings, exhibits, and evidence, only if it deem such necessary, and shall pass a new decree; but if an Appeal be made from such new decree by the party originally bringing the Appeal, then the decree of the Court trying such new Appeal shall be passed without the cost of a new stamp on the petition of Appeal to that party.

VI. And it is hereby enacted, that all original Suits and Appeals relating to any of the subjects enumerated in Clause 1st, Section I. of this Act, which may be depending in the Revenue

Courts, shall be forthwith transferred to the Courts of Adawlut; and in all cases where the right of Appeal may now be open, the Appeal shall be brought to the Court to which, under the Rules of this Act, such Appeal shall lie.

MADRAS.—JUDICIARY.

ACT No. XVII. OF 1838.

[*Passed on the 13th August, 1838.*

1. *The Zillah Judges, Assistant Judges of Auxiliary Courts, and Principal Sudder Ameens may receive Summary Appeals from District Moonsiffs' order, in certain specified Cases.*
2. *Clauses 5 and 6, Section 5, Regulation 15 of 1816, regarding Summary Appeals shall apply to Appeals under this Act.*

I. It is hereby enacted, that from the First day of September 1838, it shall be competent to the Zillah Judges, the Assistant Judges of Auxiliary Courts, and the Principal Sudder Ameens in the Territories subject to the Presidency of Fort St. George, to receive a Summary Appeal from the Orders or Decrees of the District Moonsiffs stationed within their respective jurisdictions, in cases in which such District Moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them by superior authority.

II. And it is hereby enacted, that the Provisions contained in the Fifth and Six following Clauses of Section V. Regulation XV. of 1816, of the Madras Code, regarding Summary Appeals, shall apply to the Summary Appeals preferred under the authority of this Act.

BOMBAY.—SURETIES.

ACT No. XVIII. OF 1838.

[*Passed on the 20th August, 1838.*

1\. *Security in form A, shall be taken by Collector &c. from Officer employed under him not being a Covenanted Servant or Commissioned Officer of East India Company.*

2\. (1.)—*Sureties jointly and severally liable, notwithstanding proceeding against Principal.*

(2) *Surety liable only to extent of loss or damage sustained by Government by default of Principal.*

(3)—*Surety not to be liable to summary imprisonment in default of producing public papers or property, provided he pays penalty of Bond.*

3\. *Collector, &c. under sanction of Superior Revenue Authority, may demand additional security.*

4\. *Surety may withdraw from suretyship: his responsibility to cease sixty days after his withdrawal, as to all subsequent demands against his Principal.*

5\. *Liability of Surety not to be affected b death of Principal, or by his appointment to a situation different from that which he held when the Bond was executed.*

6\. *Liability of Surety to commence from time of appointment of Principal, or from date at which former Bond was cancelled.*

Schedule A. form of Bond.

I. It is hereby enacted, that from the First day of October next, in addition to the security authorized to be taken by Section XII. Regulation XVI. 1827, of the Bombay Code, it shall be lawful for every Collector or other Principal Officer entrusted with the collection or management of the Revenues of Government, in the Territories subject to the Government of the Presidency of Bombay, to require security of one or more individuals in the Form of Schedule A, from any Officer employed under him, not being a Covenanted Servant or Commissioned Officer of the East India Company.

II. *First.* And it is hereby enacted, that the surety or sureties of such Officer as is aforesaid, who may enter into a Bond of the Form Schedule A, shall be liable to be proceeded against jointly and severally in the same manner as his or their Principal is liable to be proceeded against, in case of default, and notwithstanding such Principal may be so proceeded against.

Second. Provided always, that no greater sum shall be recovered

from the surety or sureties than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the Principal, as the amount which may be due from such surety or sureties under the terms of the Security Bond executed by him or them.

Third. And provided also, that the said surety or sureties shall, in no case, be liable to summary imprisonment in default of producing public papers or property, provided he or they pay into the Collector's treasury, the whole or such part of the penalty named in the Bond as may be demanded.

III. And it is hereby enacted, that the Collector or other Officer as aforesaid may at any time after security has been given, the sanction of the Superior Revenue Authority being first obtained, demand fresh or additional security, as may seem to him expedient.

IV. And it is hereby enacted, that any surety whether under a separate or joint Bond may withdraw from his suretyship at any time on his stating, in writing, to the Officer to whom the Bond has been given, that he desires so to withdraw; and his responsibility under the Bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his Principal concerning monies, papers, or accounts for which his Principal may become chargeable after the expiration of such period of sixty days.

V. And it is hereby enacted, that the liability of the surety or sureties shall not be affected by the death of a Principal, or by his appointment to a situation different from that which he held when the Bond was executed.

VI. And it is hereby enacted, that the date from which the liability of the surety or sureties is to commence shall be stated in the Bond, and such date shall be that of the appointment to the situation which the Principal is declared in the Bond to hold, or that from which any former Security Bond has been cancelled, or any other specific date which the Officer requiring such security may determine, and the party or parties executing the Bond shall agree to.

SCHEDUDE A.

FORM OF BOND.

I, A. B., (we A. B. and C. D.) do hereby become security on the part of E. F., holder of the Office of ——— in the Collector-

12. *Certificate to be produced on demand to any Officer of Customs or of the Indian Navy.*

13. *Fines payable on infraction of the above regulations.*

14. *Governor in Council may direct compensation for trouble in making seizures under this Act.*

15. *Certificate from Marine Paymaster or Boat Master shall not be required to enable a boat to obtain port clearance. Schedule. Form of Certificate.*

I. It is hereby enacted, that from the First day of November, 1838, Sections XX. and XXI. Regulation XX. of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that from the said First day of November, 1838, the following rules shall be in force with respect to vessels belonging to any of Her Majesty's subjects residing within the Presidency of Bombay, and employed on the coasts of the territories subject to the Government of Bombay, or in trading coastwise, as also with respect to fishing vessels and harbour craft belonging to any of the same Her Majesty's subjects.

III. And it is hereby enacted, that every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same, by the officer authorized to make such registry as is hereinafter mentioned, and the owner or owners of such vessel employed as aforesaid, fishing vessel, and harbour craft, shall cause such name and number to be painted in black paint upon a white ground, on each quarter of such vessel employed as aforesaid, fishing vessel, and harbour craft, in English figures and letters, each figure and letter being six inches in length.

IV. And it is hereby enacted, that the name and number of every such vessel, employed as aforesaid, fishing vessel, and harbour craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book, to be kept for that purpose, by the person hereinafter directed to make such registry. At Bombay, such registry shall be made by the Master Attendant, and at other places within the said territories, by the Collector of Sea Customs at such places respectively, or by such other person, as shall be appointed by the Government of Bombay to act at such places respectively, in the execution of this Act ;

and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing vessel, or harbour craft, or in the name or names of the owner or owners thereof, such registry shall be made again: provided, however, that it shall not be lawful to give any name to such vessel employed, as aforesaid, fishing vessel or harbour craft, other than that by which she was first registered.

V. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid. And whenever such vessel employed as aforesaid, fishing vessel, or harbour craft, is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the Master Attendant at Bombay.

VI. And it is hereby enacted, that the duty of marking or branding, and of ascertaining the burthen of, such vessels employed as aforesaid, fishing vessels, and harbour craft, at Bombay, shall be performed by the Master Attendant; and at all other places within the territories subject to the Government at Bombay, the duty of marking or branding, and of ascertaining the burthen of, such vessels employed as aforesaid, fishing vessels, and harbour craft, shall be performed by the Collector of Sea Customs at such places respectively; or by such other persons as shall be appointed by the Government of Bombay to act at such places respectively in the execution of this Act.

VII. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply for and obtain a certificate of registry from the person authorized to make such registry as aforesaid, and such certificate shall be in the form specified in the Schedule appended to this Act; and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner, and on payment of the fees hereinafter mentioned.

VIII. And it is hereby enacted, that such certificate of Re-

gistry shall be sealed with the seal of the East India Company, and shall be signed by the person authorized to make such registry.

IX. And it is hereby enacted, that such certificate shall be issued to every vessel employed as aforesaid, fishing vessel, and harbour craft as aforesaid, from the date of the expiration of the pass she is now furnished with :—the registrations with respect to fishing vessels and harbour craft, to take effect from the First of November, 1838.

X. And it is hereby enacted, that the owner or owners of such vessels, employed as aforesaid, (fishing vessels and harbour craft being excepted,)—on being registered as aforesaid, shall pay—

For each certificate of registry for a vessel not exceeding 20 Bombay candies burthen, the fee of,..	1 Rupee.
For each certificate for a vessel exceeding 20 such candies burthen, and not exceeding 100 candies burthen,	5 Rupees.
For each certificate for a vessel exceeding 100 such candies burthen, and not exceeding 400 candies burthen,..............	7 Rupees.
And for each certificate for a vessel of 100 tons, or greater burthen, per ton,........	2 Annas.

XI. And it is hereby enacted, that the person or persons so authorized to make such Registry as aforesaid, shall receive the fees payable for the same, and shall pay such fees to such Officer as the Governor of Bombay in Council shall appoint ; the same to be carried to the credit of the Government of Bombay.

XII. And it is hereby enacted, that the owner or owners or commander of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall produce, on demand thereof by any Officer of the Customs within the said territories, or by any Officer of the Indian Navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing vessel, or harbour craft, as abovementioned.

XIII. And it is hereby enacted, that in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so marked or branded, in all respects, as hereinbefore directed ; or in case the name and number of any such vessel

employed as aforesaid, fishing vessel, or harbour craft, shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing vessel, or harbour craft, in all respects as hereinbefore directed ; or in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not produce such certificate on demand thereof as hereinbefore directed ; the owner or owners of every such vessel employed as afosesaid, shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable, and the owner or owners of any such fishing vessel, or harbour craft, shall be subject to a fine of ten Rupees; which fines may be recovered on conviction before any Magistrate, Justice of the Peace, or person exercising the powers of a Magistrate having jurisdiction within the said territories by sale of such vessel, fishing vessel, or harbour craft, her furniture, ammunition, tackle and apparel, and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall make such default as aforesaid, provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

XIV. And it is hereby enacted, that the Governor of Bombay in Council may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing vessel or harbour craft, guns, furniture, tackle, ammunition and apparel, as last mentioned to be made, out of the proceeds of such seizure, to the person or persons who shall have seized the same, to such amount, in such manner, and in such shares or proportions, as to the said Governor in Council shall seem meet.

XV. And it is hereby enacted, that from the First day of November, 1838, a certificate from the Marine Paymaster at Bombay or from the Boat Master at Bombay, shall not be required in order to enable any person or persons to obtain a port clearance for any vessel at the Custom House of Bombay.

SCHEDULE.

This is to certify that ——— (here insert the names, occupation, and residence of the owners) having declared, that (he or they) are sole owner or owners of the vessel (fishing vessel or harbour craft) called (the name) which is of the burthen of (number of Bombay candies) and that the said vessel (fishing vessel or harbour craft) was (where and when built) the said vessel (fishing vessel or harbour craft) has been duly registered at the port of (name of port). Certified under my hand. (Signature of Officer.)

POST OFFICE.

ACT No. XX. OF 1838.

[*Passed on the 27th August*, 1838.

1. *Repeals Section* 8, *Act* 17, 1837.

2. *On line of road having no Bhangee Post, letters and packages exceeding* 12 *and not exceeding* 40 *Tolas, may go by Letter Post under rules specified in Act.*

3. *Packets exceeding* 40 *Tolas may be forwarded or not at discretion of Post Master subject to rules aforesaid.*

4. *No packet brought for dispatch by Banghee Post shall be returned on the ground that Bhangee Post has not been laid for the whole distance.*

5. *Any person wilfully certifying on any letter what is not true, for purpose of defrauding Post Office Revenue, shall be fined* 50 *Rupees.*

6. *Penalty* 50 *Rupees for sending any Packet under Provisions of this Act, of the description mentioned in Table* 2, *Schedule A, Act* 17, 1837, *&c.*

7. *Same penalty for sending under the Provisions of this Act any Packet of the description mentioned in Table* 3, *Schedule A, Act* 17, 1837.

8. *All fines incurred under Post Office Acts, shall be demanded by notice from Post Master General or from any Post Master, and if not paid, shall be levied together with costs on Goods and Chattels. If no Goods, offender may be committed to prison for* 2 *calendar months, unless fines &c. sooner paid.*

9. *Post Master may detain any letter in respect of which any party shall be liable to a fine.*

I. It is hereby enacted, that from the First day of October next, Section VIII. Act XVII. 1837, be repealed.

II. And it is hereby enacted, that when there is no Bhangee Post established on any line of road, letters and packets exceeding

in weight 12 Tolas, and not exceeding 40 Tolas, shall be received by Post Masters for transmission by the Letter Post under the Rules which follow.

First If the letter or packet received for despatch be of the description specified in heads Nos. 1, 2 and 3 of the Schedule A, annexed to Act XVII. of 1837, the postage duty thereon shall be levied by rateable increase, as declared and provided in the said heads of the said Schedule, and the Post Masters shall forward every such letter or packet on the same terms, the Postage charge being rateably increased, as is provided in the said Act for letters and packets not exceeding 12 Tolas in weight.

Second. If any packets exceeding 12 Tolas in weight, and not exceeding 40 Tolas, when so brought for despatch along a road where there is no regular Bhangee Post established, be certified, by attestation written on the cover, not to contain any of the things specified as subject to rateable postage duty under heads Nos. 1, 2 and 3 of the said Schedule, and further, if it be so certified that such packets do not contain any writing in contravention of Sections IX. aud X. Act XVII. of 1837, every such packet shall in like manner be forwarded by the Letter Post being charged with duty as specified and prescribed in Table 4, Schedule A, for Bhangee Parcels. Provided, however, that it shall be in the power of the Post Master at the place of delivery to proceed for the discovery of any fraud or contravention of the law in respect of all packets, so conveyed by the letter post at Bhangee postage rates, in the manner prescribed in Section XXX. Act XVII. 1837. Provided, also, that Government shall not be responsible for any loss or damage which may occur in respect of any thing entrusted to the Post Master for conveyance by virtue of this Act, and that no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage unless such person has caused such loss or damage maliciously or fraudulently.

III. And it is hereby enacted, that if packets exceeding 40 Tolas in weight be brought for despatch by the letter post at Bhangee rates, the same may be forwarded under the rules and restrictions prescribed in the preceding Section of this Act: provided, however, that the transmission of such over-weight packets shall always be discretional with the Post Master to whom they may be

brought for despatch, to forward them at such times and in such manner as may be convenient.

IV. And it is hereby enacted, that no packet brought for despatch by Bhangee Post shall be returned from any Post Office on the ground that the Bhangee Post has not been laid for the whole distance to the place of delivery.

V. And it is hereby enacted, that, except as hereinafter is mentioned, if any person wilfully certify or cause to be certified by writing on any letter, cover or packet delivered at any Post Office for conveyance by Post, what is not true in respect of such letter or packet, or in respect of its contents, for the purpose of defrauding the Post Office Revenue, every such person shall, on conviction, be subject to a fine of 50 Rs. for every such offence.

VI. And it is hereby enacted, that whoever shall send or cause to be sent by the Government Post any packet under the Provisions of this Act of the description mentioned in Table 2 of Schedule A, Act No. XVII. A. D. 1837, which shall contain any writing whatever other than writing which is necessarily part of the documents which such packet is stated to contain by attestation on the cover of such packet, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 Rupees.

VII. And it is hereby enacted, that whoever shall send or cause to be sent by the Government Post, under the Provisions of this Act, any Packet of the description mentioned in Table 3 of Schedule A, Act No. XVII. A. D. 1837, which shall contain any writing whatsoever except the direction on the cover, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 Rupees.

VIII. And it is hereby enacted, that all fines incurred on account of letters or packets sent by the Letter Post or by the Bhangee Post, in contravention of the Provisions of Sections IX. and X. of Act XVII. of 1837, as well as all fines by this Act authorized to be imposed, shall be demanded from the parties liable thereto by notice in writing from the Post Master General, or from any Post Master, and if not paid upon such demand the same shall, upon conviction

of the offender before any Magistrate for the place where the party charged may be residing, be levied, together with the costs attending the information and conviction, by distress and sale of the Goods and Chattels of the party or parties offending, by warrant under the hand of such Magistrate. And if upon the return of such warrant, it shall appear that no sufficient distress can be had thereon, then it shall be lawful for any such Magistrate by warrant under his hand and seal to cause such offender or offenders to be committed to prison, there to remain for the space of two calendar months, unless such fines and all reasonable charges attending the same shall be sooner paid and satisfied.

IX. And it is hereby enacted, that it shall be lawful for the Post Master to detain any letter or packet in respect of which any party shall become liable to fine for a contravention of Sections IX. and X. Act XVII. 1837, or of any of the Provisions of this Act, until the fine and all reasonable charges attending the same shall have been duly paid.

COINAGE,

ACT No. XXI. OF 1838.

[*Passed on the* 27*th August*, 1838.

1. *The Governor General in Council in his executive capacity may direct the coinage of Silver Coins of a value represented in even sixteenths of the Company's Rupee.*

2. *Act No. XVII. of* 1835, *and No. XXXI. of* 1837 *respecting the devices, inscriptions, and embellishments of Coins issued under Act XVII. of* 1835, *shall apply to the Coins issued under this Act.*

I. It is hereby enacted, that it shall be lawful for the Governor General of India in Council, in his executive capacity, to direct the Coinage and issuing of any Silver Coins, of a value represented in even annas or sixteenths of the Company's Rupee, provided they be of the same standard as that prescribed for such Rupee by the Act No. XVII. of 1835, and of proportionate weight.

II. And it is hereby enacted, that the provisions of Act No. XVII. of 1835 and of Act No. XXXI. of 1837, applicable to the

devices, inscriptions, and embellishments of the Coins coined and issued by virtue of the Act No. XVII of 1835, shall be applicable to the Coins which may be coined and issued by virtue of this Act.

BENGAL.—JUDICIARY.

ACT No. XXII. OF 1838.

[*Passed on the* 10*th September*, 1838.

1. *Zillah and City Judges may receive a Summary appeal from the orders or decrees of Moonsiffs, if they have refused to admit any suit cognizable by them or have dismissed it for delay, informality or other default, without investigation of the merits.*

2. *Clauses* 5 *and* 6 *of Section* 3, *Regulation XXVI. of* 1814, *and Section* 2, *Regulation XII. of* 1833, *and Section* 7, *Regulation IX of* 1831, *shall apply to the summary appeals preferred under this Act.*

1. It is hereby enacted, that from the First day of October 1838, it shall be competent to the Zillah and City Judges, in the territories subject to the Presidency of Fort William in Bengal, to receive a Summary Appeal from the orders or decrees of the Moonsiffs subordinate to them, in cases in which such Moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed, on the ground of delay, informality, or othei default, without an invest igation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them.

II. And it is hereby enacted, that the provisions contained in the Fifth and Six following Clauses of Section III. Regulation XXVI. of 1814, and Section II. Regulation XII. of 1833, and Section VII. Regulation IX. of 1831 of the Bengal Code, shall apply to the Summary Appeals preferred under the authority of this Act.

MADRAS.

ACT No. XXIII. OF 1838.

[*Passed on the 17th September*, 1838.

Repeals part of Section 3, *Regulation* 4, 1831, *and makes grants therein mentioned liable to attachment and sequestration.*

It is hereby enacted, that so much of Section III. Regulation IV. of 1831 of the Madras Code, as saves and excepts the liability to attachment or sequestration in certain cases of the grants mentioned in Section II. of the said Regulation, be repealed; and that such grants shall not be liable to attachment or sequestration in satisfaction of any decree or order of Court whatever.

BANK OF BENGAL ACT.

ACT No. XXIV. OF 1838.

[*Passed on the 24th September*, 1838.

Repealed by Act No. VI. of 1839.

It is hereby enacted, that Section III. of Act XIX. of 1836, together with any other provisions of that Act which prescribe or imply that the Capital Stock of the Bank of Bengal shall not exceed seventy-five Lakhs of Rupees, shall from this day be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council whenever he shall see fit from time to time by an Order to be notified in the *Calcutta Gazette*, to authorize the Capital Stock of the said Bank to be increased, and to make such order and direction for the opening of subscriptions towards such increase of Capital as to him may seem fit, giving due notice to the Proprietors of the said Bank for the time being and allowing to them a period of not less than eighteen months to fill up such subscription.

III. And it is hereby enacted, that whenever such increase of Capital Stock of the Bank of Bengal shall be ordered by the Governor General of India in Council, the Proprietors entitled to share therein, shall not be debarred of the right to subscribe for the new Stock in the proportion of the shares they may be legally holding by reason of any limit to the quantity of Stock which a single Proprietor may hold that may be imposed by the

Provisions of the Charter of the Bank, or by any Clause or Provision contained in Act No. XIX. of 1836.

IV. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council, when he shall direct an increase to be made of the Capital Stock of the Bank of Bengal, to prescribe that the subscriptions shall be made upon each share respectively, in any given proportion to the amount of Stock represented by such share, and after subscription made at any time within the period of notice prescribed in Section II. of this Act, to permit the amount subscribed on account of any share or shares to be paid up and annexed to the Capital Stock of the Bank in such manner and at such dates as may be deemed most convenient and proper, and likewise to prescribe that the amount of new Capital that may not be subscribed for by Proprietors within the period of eighteen months so specified, shall be sold by Auction by an Officer of the Bank for the benefit of the said Bank, on some early date, after the close of such period, and that the proceeds of such sale shall be at the disposal of the Proprietors of the Bank by Resolution duly passed at their General Meetings, any thing in the existing Charter of the said Bank regarding the method of taking the subscriptions of new Capital to the contrary notwithstanding.

V. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council at the time of ordering any increase of the Capital Stock of the Bank of Bengal to reserve the portion of such increase that may belong to Government by reason of its share of the Capital of the said Bank, and to fix any date within the period of eighteen months above specified, as that before which it shall be finally declared whether the Government will take the share of new Stock to which it is so entitled or will refuse the same, and in case of refusal by Government to take its share of new Stock, such Stock shall not be sold on account of the Proprietors at large, as above provided for Stock not subscribed for by other Proprietors, but the amount to which the Government may be so entitled shall not be raised, and if the Government shall determine to subscribe for the share of new Capital to which it is entitled, it shall be lawful for the Governor General of India in Council either to retain the same or to order the sale of such new Stock or any portion thereof on account of Government in such manner and at such times as to him may seem fit.

WILLS ACT.

ACT No. XXV. OF 1838.(a)

Passed on the 8th October, 1838.

1. *Interpretation Clause.*

2. *Repeals Statutes 32, H. 8, Cap. 1; 34 and 35, H. 8, Cap. 5; 10 Car. 1, Sess 2, Cap. 2, (1); Sections 5, 6, 12, 19, 20, 21, 22 of the Statute of Frauds, 29, Car. 2, Cap. 3; 7 W. 3, Cap. 12, (1); Section 14, of 4 and 5 Anne Cap. 16; 6 Anne Cap. 10, (1); Section 9, of 14, Geo. 2 Cap. 20; 25 Geo. 2, Cap. 6; 25 Geo. 2, Cap. 11, (1).*

3 *Act to extend only to wills of persons whose property cannot be administered without Probate or Letters of Administration.*

4. *All property may be disposed of by Will, both real and personal, legal and equitable, by whatever title acquired, and whether corporeal or incorporeal, and of whatever tenure, and whether, in point of interest, present, contingent, executory or future; and also rights of entry of all kinds.*

5. *Will of infant invalid.*

6. *Will of married woman, except under power, invalid.*

7. *No will to be valid unless in writing signed at the foot or end thereof by testator or by other person in his presence, nor unless such signature be made or acknowledged by the testator in the presence of two or more witnesses present together, nor unless such witnesses subscribe the will in the presence of the testator. No form of attestation necessary.*

8. *Appointments by will, in exercise of any power, shall be valid if executed in above manner, but not otherwise.*

9. *Publication of will not necessary.*

10. *Will not to be invalidated by reason of incompetency of person attesting it, to be a witness to prove the execution.*

11. *Devise, legacy, &c. to attesting witness of any will, or to wife or husband of attesting witness, to be null and void, and notwithstanding such devise, &c. such attesting witness may prove will.*

12. *Attesting witness of a will containing a charge in favor of attesting witness as a creditor, may prove execution of the will, notwithstanding such charge.*

13. *Executor of a will not incompetent to be a witness to prove it.*

14. *Will of man or woman to be revoked by subsequent marriage, except will of certain property, in exercise of power of appointment.*

15. *No will to be revoked on the ground of an alteration of circumstances.*

16. *Will or Codicil not to be revoked except as aforesaid, or by another will or codicil, or by the burning, tearing or otherwise destroying the same.*

17. *Obliteration, interlineation or other alteration made after execution of will to be of no effect, except so far as the words before the alteration are not apparent. Alteration must be signed by testator, and be attested.*

(a) In the Appendix will be found a statement of the Cases, which have been decided under this Act.

18. *That no will, &c. after being revoked shall be revived otherwise than by re-execution, or by new codicil. Will first partially and afterwards wholly revoked, and then revived, shall only be revived as to part last revoked, unless a contrary intention appear.*

19. *Acts not amounting to a revocation, done between the execution of a will and the death of testator, shall not prevent the will from operating as to testator's property at the time of his death.*

20. *Every will shall be construed to speak and take effect as if executed immediately before the death of the testator, unless a contrary intention appear.*

21. *If devise is incapable of taking effect by reason of death of devisee in life time of testator, or by reason of its illegality, or otherwise, the property included in such devise shall pass by residuary clause.*

22. *General devise of real estate, and bequest of personal estate described in a general manner, shall operate as execution of any general power in testator to appoint, unless contrary intention appear.*

23. *Devise without words of limitation shall pass fee simple or other the whole interest of the testator unless a contrary intention appear.*

24. *How the words, "die without issue," "die without leaving issue," or other words importing a want or failure of issue shall be construed. Proviso, limiting the above construction.*

25. *Devise of real estate to trustee or executor shall pass fee or all the interest of the testator, unless a definite term is given expressly or by implication.*

26. *Trustee to take fee under devise of real estate, where the purposes of the trust may continue beyond the life of the first Cestui que trust.*

27. *If person to whom real estate is devised for an estate tail, &c. dies in life time of testator, leaving issue who would be inheritable under such entail, and is living at time of testator's death, such devise shall not lapse, but take effect, and how.*

28. *Child or other issue of testator to whom property is devised, &c. dying in life time of testator and leaving issue, if such issue is living at the death of testator, such devise, &c. shall not lapse but take effect, and how.*

29. *Notwithstanding this Act, any Soldier in actual Military Service, or Mariner or Seaman being at Sea, may dispose of his personal estate as he might before this Act.*

30. *This Act not to be construed to repeal Act 20, 1837, as to transmission of property.*

31. *This Act not to extend to wills made before 1st February 1839, nor to estate pur autre vie of person who died before that date. Will re-executed or revived by Codicil shall be deemed as made at the time of re-execution, &c.*

I. It is hereby enacted, that the words and expressions hereinafter mentioned shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "will" shall extend to a testament, and to a codicil, and to an appointment by

will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament or devise of the custody and tuition of any child by virtue of an Act passed in the twelfth year of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and Liveries, and tenures *in capite* and by Knight's service and purveyance, and for settling a revenue upon His Majesty in lieu thereof," or by virtue of an Act passed in the Parliament of Ireland in the fourteenth and fifteenth years of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and Liveries, and tenures *in capite* and by Knight's service," and to any other testamentary disposition, and the words "real estate" shall extend to messuages, lands, rents and hereditaments whether corporeal, incorporeal or personal, and to any undivided share thereof and to any estate, right or interest (other than a chattel interest) therein, and the words "personal estate" shall extend to leasehold estates and other chattels real, and also to monies, shares of Government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. And it is hereby enacted, that an Act passed in the thirty-second year of the reign of King Henry the Eighth, intituled "The Act of Wills, Wards and primer seisins, whereby a man may devise two parts of his land;" and also an Act passed in the thirty-fourth and thirty-fifth years of the reign of the said King Henry the Eighth, intituled "The Bill concerning the explanation of Wills," and also an Act passed in the Parliament of Ireland in the tenth year of the reign of King Charles the First, intituled "An Act how Lands, Tenements, &c. may be disposed by will or otherwise, and concerning wards and primer seisins;" and also so much of an Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for prevention of Frauds and Perjuries;" and of an Act passed in the Parliament of

Ireland in the seventh year of the reign of King William the Third, intituled "An Act for prevention of Frauds and Perjuries as relates to devises or bequests of lands or tenements, or to the revocation or alteration of any devise in writing of any lands, tenements or hereditaments, or any clause thereof, or to the devise of any estate *pur autre vie*, or to any such estate being assets or to nuncupative wills, or to the repeal, altering or changing of any will in writing concerning any goods or chattels or personal estate, or any clause, devise or bequest therein; and also so much of an Act passed in the fourth and fifth years of the reign of Queen Anne, intituled "An Act for the amendment of the Law and the better advancement of Justice;" and of an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, intituled "An Act for the amendment of the Law and the better advancement of justice" as relates to witnesses to nuncupative wills; and so far as the following Acts may be construed to have any operation within the territories of the East India Company, so much of an Act passed in the fourteenth year of the reign of King George the Second, intituled "An Act to amend the Law concerning common recoveries," and to explain and amend an Act made in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for prevention of frauds and perjuries," as relates to estates *pur autre vie*; and also an Act passed in the twenty-fifth year of the reign of King George the Second, intituled "An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of wills and codicils concerning real estates in that part of Great Britain called England, and in His Majesty's colonies and plantations in America," except so far as relates to His Majesty's colonies and plantations in America, and also an Act passed in the Parliament of Ireland in the same twenty-fifth year of the reign of King George the Second, intituled "An Act for the avoiding and putting an end to certain doubts and questions relating to the attestations of wills and codicils concerning real estates;" shall from the passing of this Act cease to have effect in the territories of the East India Company, except so far as the same Acts or any of them respectively relate to any wills or estates *pur autre vie* to which this Act does not extend.

III. And it is hereby enacted, that this Act shall only extend

to the wills of persons whose personal property cannot by the Law of England pass to their representatives without Probate or Letters of Administration obtained in one of Her Majesty's Supreme Courts of Judicature, and that the Statutes and parts of Statutes aforesaid are only repealed as far as they relate to the succession to the property of such persons.

IV. And it is hereby enacted, that it shall be lawful for every person to devise, bequeath or dispose of by his will, executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either at Law or in Equity, at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon the heir at law of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator, and that the power hereby given shall extend to all estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be a corporeal or an incorporeal hereditament, and whether the same shall be freehold or of any other tenure, and also to all contingent, executory or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created ; or under any disposition thereof by deed or will ; and also to all rights of entry for conditions broken, and other rights of entry, and also to such of the same estates, interests, and rights respectively, and other real and personal estates as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

V. And it is hereby enacted, that no will made by any person under the age of twenty-one years shall be valid.

VI. Provided also, and it is hereby enacted, that no will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act.

VII. And it is hereby enacted, that no will shall be valid unless it shall be in writing and executed in manner hereinafter men-

tioned ; (that is to say,) it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator as the signature to his will or codicil in the presence of two or more witnesses present at the same time, and such witnesses shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary.(a)

VIII. And it is hereby enacted, that no appointment made by will in exercise of any power, shall be valid, unless the same be executed in manner hereinbefore required ; and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding that it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

IX. And it is hereby enacted, that every will executed in manner hereinbefore required shall be valid without any other publication thereof.

X. And it is hereby enacted, that if any person who shall attest the execution of a will, shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

XI. And it is hereby enacted, that if any person shall attest the execution of any will, to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift or appointment of or affecting any real or personal estate (other than and except

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(a) The following is the usual form of attestation, and is of this use, that in its absence the Court acquires extraneous proof of the circumstances stated in the form:—"Signed by the above-named A. B. [the testator] in the presence of us, present at the same time, who have hereunto signed our names as witnesses thereto, in the presence of the said A. B. [testator] and in the presence of each other."

Names of witnesses { C. D.
E. F.

N. B.—To avoid all doubt it will be proper for both witnesses to subscribe together in the actual presence of the testator.—W. T. Ed.

charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift or appointment mentioned in such will.

XII. And it is hereby enacted, that in case by any will any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor, whose debt is so charged shall attest the execution of such will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

XIII. And it is hereby enacted, that no person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

XIV And it is hereby enacted, that every will made by a man or woman shall be revoked by his or her marriage (except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir executor or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions.)

XV. And it is hereby enacted, that no will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

XVI. And it is hereby enacted, that no will or codicil, or any part thereof shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator or by some person in his presence and by his direction with the intention of revoking the same.

XVII. And it is hereby enacted, that no obliteration, interlineation or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or some other part of the will opposite or near to such alteration, or at the foot or end of or opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

XVIII. And it is hereby enacted, that no will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in a manner hereinbefore required, and shewing an intention to revive the same, and when any will or codicil which shall be partly revoked and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary be shown.

XIX. And it is hereby enacted, that no conveyance or other act made or done subsequently to the execution of a will of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death.

XX. And it is hereby enacted, that every will shall be construed with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator unless a contrary intention shall appear by the will.

XXI. And it is hereby enacted, that unless a contrary intention shall appear by the will, such ~~real~~ estate and interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the

death of the devisee in the life,time of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

XXII. And it is hereby enacted, that a general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper and shall operate as an execution of such power, unless a contrary intention shall appear by the will, and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

XXIII. And it is hereby enacted, that where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

XXIV. And it is hereby enacted, that in any devise or bequest of real or personal estate the words " die without issue," or " die without leaving issue," or any other words which may import either a want or failure of issue of any person in his life time or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the life time or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift being, without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise; provided, that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be

born or if there shall be no issue who shall live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

XXV. And it is hereby enacted, that where any real estate shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years, absolute or determinable or an estate of freehold, shall thereby be given to him expressly or by implication.

XXVI. And it is hereby enacted, that where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by will in such real estate and not an estate determinable when the purposes of the trust shall be satisfied.

XXVII. And it is hereby enacted, that where any person to whom any real estate shall be devised for an estate tail, or an estate in quasi entail, shall die in the life time of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXVIII. And it is hereby enacted, that where any person being a child or other issue of the testator, to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the life time of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXIX. And it is hereby enacted, that notwithstanding anything in this Act contained, any Soldier being in actual Military Service, or any Mariner or Seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

XXX. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions of Act No. XX. of 1837, whereby immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca transmitted by the last will of any person having a beneficial interest in the same is taken to be and to have been of the nature of chattels real and not of freehold as regards such transmission, provided that such will shall be executed and construed as a will of chattels real is to be executed and construed by virtue of this Act.

XXXI. And it is hereby enacted, that this Act shall not extend to any will made before the First day of February, in the year of our Lord 1839, and that every will re-executed or re-published or revived by any codicil shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived; and that this Act shall not extend to any estate *pur autre vie* of any person who shall die before the First day of February in the year of our Lord 1839.

MADRAS.—JUDICIARY.

ACT No. XXVI. OF 1838.

[*Passed on the 8th October*, 1838.

1. *Governor General in Council may direct all persons committed by Principal Sudder Ameen of Sirsee for trial before Court of Circuit for the Western Division, to be tried at the Sessions of Jail Delivery held at Honore.*

2. *The Governor in Council may direct persons committed by Principal Sudder Ameen for trial before Court of Circuit, to be tried at Sessions of Jail Delivery.*

I. It is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the Presidency of Fort St. George to direct that all or any persons committed by the Principal Sudder

Ameen of Sirsee for trial before the Court of Circuit for the Western Division of the Territories subject to that Presidency, shall be tried at the Sessions of Jail Delivery to be held at Honore.

II. And it is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the Presidency of Fort St. George, to direct that all or any persons committed by any Principal Sudder Ameen for trial before the Court of Circuit shall be tried at any Sessions of Jail Delivery to be held at any Station within the Zillah to which the Court of such Principal Sudder Ameen may be attached.

BENGAL.—JUDICIARY.

ACT No. XXVII. OF 1838.

[*Passed on the 22nd October*, 1838.

1. *Repeals so much of Clause* 1, *Section* 18, *Regulation* 5, *of* 1831, *as provides that no suit be referred to a Principal Sudder Ameen in which the Vakeels or Officers of his Court shall be a party.*

2. *Suits in which the relatives or dependents of a Sudder Ameen are a party, and which the Zillah and City Judges cannot refer, may be transferred to another Zillah or City Court and by such Court be referred in the same manner as if it had been originally instituted in the Court of such Zillah or City.*

I. It is hereby enacted, that so much of Clause 1, Section XVIII. Regulation V. of 1831 of the Bengal Code, as provides that no suit be referred to a Principal Sudder Ameen in which the Vakeels or Officers of his Court shall be a party, is hereby repealed.

II. And it is hereby enacted, that in cases where, by reason of the above Clause, a suit cannot be referred to a Sudder Ameen, because he himself or his relatives or dependents are a party to the suit, and where the Zillah and City Judges cannot refer such suit to be tried by any other compbtent authority, it shall be lawful for each of the Courts of Sudder Dewanny Adawlut within the Territories subject to the Presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of their Register, that the cognizance of such suit shall be transferred to any other Zillah or City Court subordinate to the same Court of

Sudder Dewanny Adawlut—and the Judge of such other Zillah or City Court may thereupon refer such suit in the same manner as if the same had been originally instituted in the Court of such other Zillah or City.

PERJURY.

ACT No. XXVIII. OF 1838.

[*Passed on the 5th November,* 1838.

Any person convicted at Sessions of Oyer and Terminer or Jail Delivery, for Fort William &c. of Perjury, may be adjudged to be transported to such place as the Court shall direct, for life, or any term of years, or imprisoned not exceeding 4 years with or without hard labour, &c.

It is hereby enacted, that where any person or persons shall be convicted at any Sessions of Oyer and Terminer or Jail Delivery, that shall be holden for any of the Presidencies of Fort William, Fort St. George, the Presidency or Island of Bombay, or for Prince of Wales' Island, Singapore, or Malacca, of the crime of Perjury, it shall be lawful for the Court, before which any person shall be so convicted, to order and adjudge such person to be transported to such place as the Court shall direct for life or for any term of years, or to be imprisoned for any term not exceeding four years with or without hard labour and with solitary confinement for such portion or portions of the said term as such Court shall think fit, not exceeding one month at a time or three months within the period of one year. Provided, that it shall not be lawful for any such Court to order the transportation of any person, being a native of the East Indies and not born of European parents, to the Eastern Coast of New South Wales or any of the Islands adjacent thereto

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BENGAL.—SALT DEPARTMENT.

ACT No. XXIX. OF 1838.

[*Passed on the* 12*th November*, 1838.

1. *Repeals Sections* 59, 60, 61, *Regulation* 10, 1819.

2. *Salt Agent having credible information that contraband Salt is stored in any warehouse, &c. without the necessary Rurana, shall require such information to be in writing, or take deposition of informant, &c. What particulars to be recorded in information.*

3. *Salt charged as Contraband in store exceeding one maund or mun, shall be liable to seizure. In what manner seizure to be made.*

4. *Salt Agents &c. accompanied by a Police Officer, may break open door of house, if not opened upon requisition.*

5. *Salt Agent, if unable to proceed in person to seize, shall send with informer a confidential Officer &c. not under rank of Jemadar &c. with search-warrant. Door of house &c. not to be broken except in presence of Salt Agent &c.*

6. *Head Officer of Salt Chokie &c. may receive information of Salt exceeding one maund being in store in same manner as Salt Agent, provided place of store be more than three kos from station of Agent.*

7. *Darogah not attending according to notice at a seizure of Salt, or refusing to act, or frustrating search, shall be fined to same amount as the owners of Salt would if Salt had been seized.*

8. *When necessary to break open house &c. the rules prescribed in Regulation* 20, 1817, *and Section* 10, *Regulation* 7, 1799, *shall be observed.*

9. 10. *Circumstances of seizure to be recorded by Salt Agent &c. and to be reported to superior Officer, when made by other than an Agent &c.*

11. *Salt not to be seized unless more found than a maund or mun, and the owner, &c. is unable to account satisfactorily for his possession of it.*

12. *When Salt is seized as contraband &c. the persons in charge of it may also be seized.*

13. *Salt Agents &c. having power to seize Salt may also stop and search boats &c. of a build adapted for sea navigation, within certain limits; Salt found thereon, vessel and crew may be detained and taken to nearest Officer competent to adjudicate.*

14. *Modifies Section* 36, *Regulation* 10, 1819. *Gangs or companies of persons carrying unprotected Salt more than* 5 *seers for each person, shall be subject to penalties under above Regulation.*

15. *Modifies Section* 121, *Regulation* 10, 1819. *Persons fined for smuggling shall be imprisoned for six months, if fine not paid.*

16. *Modifies Section* 121, *Regulation* 10, 1819. *Persons sentenced under Sections* 31, 68, 70, *of Regulation* 10, 1819, *shall in like manner be liable to be imprisoned.*

17. *Person convicted of gang smuggling &c. after previous conviction &c. shall be punished by fine and imprisonment: for every conviction after second, punishment to be increased.*

18. *Salt Agent may distrain for balance due within the year, upon contract for the manufacture of Salt, and may exercise the same powers as are given to Zemindars and Sudder Farmers.*

19. *Any person preventing lawful arrest, or procuring release of offender; and any person found with Salt, resisting Officer, shall be punished according to Section* 56, *Regulation* 10, 1819.

20. *Officer making arrest, and neglecting to carry prisoner to proper Officer, or delaying to report the arrest, or releasing prisoner, or conniving at escape, shall, besides dismissal, be fined not exceeding* 200 *Rupees, and imprisoned not exceeding three months, and a further period of three months, if fine not paid.*

21. *Officer making arrest bound to carry party arrested to the Officer competent to try the case. No person arrested shall be released, until case has been brought to judgment.*

22. *Officer of Salt Department convicted of vexatiously and unnecessarily seizing goods or arresting any person, or stopping &c. boat longer than necessary, shall, besides dismissal, be imprisoned* 6 *months, and fined not exceeding* 200 *Rupees commutable to further imprisonment.*

23. *Modifies Section* 122, *Regulation* 10, 1819. *Person wilfully &c. giving false information of illicit Salt in store, and thereby causing search, shall be imprisoned for* 2 *years, and fined not exceeding* 500 *Rupees, and in case of non-payment, to further term of* 6 *months.*

24. *Parties convicted of illegal possession &c. of Salt, shall be liable to penalty of* 5 *Rupees per maund under Section* 36, *Regulation* 10, 1819. *Each smuggler liable to whole fine.*

25 *The Governor of Bengal to vest with power of adjudication assistants &c. subject to same rules as apply to Salt Agents.*

26. *Cases under this Act shall be tried in manner prescribed in Regulation* 10, 1819. *Officer adjudicating, to be guided by Sections* 100 *to* 116, *same Regulation. Judge and Zillah Judge to proceed in Cases under this Act as in other Cases.*

27. *Modifies Clauses* 32, 33 *Regulation* 10, 1819. *Proprietors and farmers upon whose Land there are Salt works, not worked under contract with Salt Agent, must give notice of the same to Officer of Police or &c. within ten days, like notice to be given by person employed in collecting Land Revenue of Mehal on part of Government, or of Court of Wards or &c. Omission to give notice subjects to fine of* 500 *Rupees for every Khalaree or Salt work on lands. Fine recoverable by distress.*

28. *Modifies Section* 64, *Regulation* 10, 1819, *by additional provision, that Officers unable to account for deficiencies of out-turn of Salt shall be liable for such deficiencies as if they arose by embezzlement, and shall be punished by fine and imprisonment.*

29. *Mode of proceeding to compel attendance of persons. Warrant may be issued in manner provided by Regulation* 10, 1819.

30. *In ex parte cases referred to City or Zillah Judge, Judge shall carry on proceedings under Sections* 111, 113, *Regulation* 10, 1819.

31. *Modifies Sections* 111, 112, *Regulation* 10, 1819. *Cases in which adjudication of Salt Agents &c. shall be final, extended from* 20 *maunds to* 80 *maunds. Right reserved of petitioning Board of Customs Salt and Opium.*

32. *Modifies Section* 114 *Regulation* 10, 1819. *In confiscations exceeding* 80 *maunds, or fine of* 400 *Rupees, the judgment of Zillah and City Judges shall be final.*

33. *Tract of country and limits within which this Act shall take effect.*

I. It is hereby enacted, that from the First day of December, 1838, Sections LIX., LX. and LXI. Regulation X. 1819, of the Bengal Code, shall be repealed.

II. And it is hereby exacted, that when information shall be given to any Salt Agent or Superintendent of Salt Chokies that contraband Salt is stored in any ware house, dwelling house, or other place situated in the tract of country in Bengal or Orissa within which the transportation of Salt without Ruwana is not lawful, and such Salt Agent or Superintendent of Salt Chokies shall deem the information credible, and desire to act thereupon, he shall require the same to be given to him in writing, or shall take the deposition of the informant, as may be most convenient, so that the following particulars shall be placed on record in his office—First, the name, profession and place of residence of the informant. Second, the place, that is, the name of the town or village, and description of the house, warehouse or other place where the Salt may be stated to be in store. Thirdly, the name of the person to whom the house, warehouse, or other place belongs, or on account of, or by whom the Salt is there stored. Fourthly, the quantity and description of the Salt, and the grounds for believing the same to be contraband.

III. And it is hereby enacted, that if the contraband Salt so stated to be in store exceed in quantity one maund or Indian mun, it shall be liable to seizure in manner following, that is to say, the Salt Agent or Superintendent of Chokies, having before him the written statement or deposition of an informer, given in or taken down as above prescribed, shall, provided the place of such store be not too distant, proceed in person, together with the informant,

summoning by written notice the nearest Police Darogah or other Officer in charge of the Police Thana or Station to attend likewise, and witness the proceeding.

IV. And it is hereby enacted, that for the purpose of making seizure of Salt in store so informed against, it shall be competent to any Salt Agent or Superintendent, having a Police Officer in company, to break open the door of the house, warehouse or other place in which the Salt may be stated to be stored, if, upon requisition duly made, the door be not immediately opened by the owner or occupant thereof.

V. And it is hereby enacted, that if the Salt Agent or Superintendent shall not be able to proceed in person to make a seizure of Salt, in manner above provided, he shall send along with the informer one or more confidential Officers of his public establishment, not being under the rank of a Jemadar of Peons, giving to such Officer or Officers his warrant ordering and authorizing the seizure, and sending notice as above prescribed for the Police Darogah or other Police Officer to attend, and the Officer so deputed shall have power to act in like manner as is provided for the Agent or Superintendent in person; provided that the door of no house, warehouse or other place, shall be broken open to make a seizure of Salt except in the presence of a Salt Agent or Superintendent of Chokies, or of an Officer so specially deputed, and of an Officer of Police.

VI. And it is hereby enacted, that it shall be competent to the Head Officer of any Salt Chokie or Aurung for the manufacture of Salt, and for any Assistant to a Salt Agent or Superintendent, to receive information of Salt exceeding one maund in quantity being in store in a house, warehouse or other place in the manner prescribed in Section II. and to act thereupon as provided in Sections III. and IV. of this Act for the Salt Agent and Superintendent, provided that the place of store described in such information be situated at a distance of more than three kos from the station of a Salt Agent or Superintendent of Chokies, or from the place where the Salt Agent or Superintendent may be.

VII. And it is hereby enacted, that if the Darogah or person in charge of any Police Thana or Station, receiving notice to attend at a seizure of Salt in store, as is above prescribed, shall not attend,

or attending shall refuse to act in aid of the seizure, or shall in any way wilfully frustrate the object of the search and seizure, such Darogah or other Officer shall, on representation of the facts by the Officers of the Salt Department, and on conviction of the same before the Magistrate of the District, besides being dismissed from office, be liable to a fine equal to the amount of fine that would have been leviable on the owners of the Salt, if it had been seized according to the information laid.

VIII. And it is hereby enacted, that whenever it shall be necessary to break open any house, warehouse or other place to effect a seizure of Salt the rules and precautions prescribed in Regulation XX. of 1817 and Section X. Regulation VII. of 1799 of the Bengal Code, for breaking into a house for execution of process of distraint, shall always be observed by the Police Officers in attendance; provided however that the responsibility for the act, and the determination whether to require the door to be broken open or not shall rest with the Officers of the Salt Department only.

IX. And it is hereby enacted, that whenever a seizure of Salt in store in any house, warehouse or other place shall be made by a Salt Agent or Superintendent of Chokies, the circumstances which attended the seizure shall be recorded in an official proceeding to be placed on record in the office.

X. And it is hereby enacted, that if the seizure be made by an Officer of the Salt Department, other than an Agent or Superintendent of Chokies, such Officer shall report the circumstances within twenty-four hours to his official Superior; and the Police Officer in attendance shall likewise report the occurrences at the time of seizure to his Official Superior.

XI. And it is hereby enacted, that no Salt found in store in any house or warehouse shall be deemed to be contraband, or shall be liable to seizure, unless, when the search is made, there shall be found more thereof than one maund or Indian mun, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being in his possession.

XII. And it is hereby enacted, that whenever Salt shall be seized as contraband, because unaccompanied by any Ruwana or

other protecting document, the person or persons conveying, or having in charge the same shall be apprehended; and all Officers who are empowered to seize Salt under the provisions of Regulation X. 1819 of the Bengal Code, shall likewise be competent to arrest the parties found with or having the Salt in possession.

XIII. And it is hereby enacted, that it shall be lawful for the Salt Agents and Superintendents of Chokies and other Officers who may be duly empowered to seize Salt, to stop and search any boats or vessels of a build adapted for sea navigation, that may be found within the limits described in Section XXXIII. of this Act; and if Salt shall be found thereon, not accompanied by the necessary Ruwana or other protecting document, to detain the vessel with the crew thereof, and to take them for adjudication of the case to the nearest accessible station of an Officer empowered to adjudicate cases of contravention of the Salt Law.

XIV. And it is hereby enacted, in modification of Section XXXVI., Regulation X. of 1819, of the Bengal Code, that if any person shall be found in the act of conveying Salt without Ruwana, or other protecting document, exceeding in quantity five seers of 80 tolahs to the seer, within the tract of country in Bengal or Orissa wherein the transportation of Salt is prohibited unless so protected, or if several persons be found carrying Salt so unprotected, in gangs or companies, which Salt shall exceed in the whole quantity five seers for each person in such gang or company, every such person shall be subject to the penalties prescribed by Regulation X. of 1819 aforesaid, and by this Act, for the illegal possession and transportation of Salt.

XV. And it is hereby enacted, in modification of Section CXXI. of Regulation X. 1819, aforesaid, that any person or persons, who may be convicted of smuggling Salt without Ruwana singly or in gang, and sentenced to pay a fine to Government on account of Salt so smuggled or attempted to be smuggled, shall, if the fine be not paid, be liable to imprisonment in the Criminal or Foujdaree jail, for a period not exceeding six months in commutation of such fine.

XVI. And it is hereby enacted, in further modification of Section CXXI. of Regulation X. 1819, aforesaid, that any person, who

may be sentenced under Sections XXXI., LXVIII. and LXX. of the said Regulation, to imprisonment in addition to fine, for the offences described in those Sections respectively, shall in like manner be liable, as above provided for persons convicted of gang smuggling, to undergo such punishment in the Foujdaree jail: and cases of the kind described in the said Sections shall be adjudicated, in like manner as cases in which fine only is adjudged: and the warrant of the Officer adjudicating any case under this or the preceding Section of this Act, shall be authority for the Magistrate, or other person in charge of the Foujdaree jail, to hold the person described therein in confinement in such jail, as may be specified and required in the said warrant.

XVII. And it is hereby enacted, that when any person shall be convicted of gang smuggling, or of any of the offences described in Sections XXXI. and LXX. of Regulation X. of 1819, aforesaid, after having been previously convicted of a like offence, he shall be sentenced, in addition to the penalty attaching to such offence, to imprisonment in the Foujdaree jail for a period of six months, and a like punishment of six months imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XVIII. And it is hereby enacted, that it shall be lawful for any Salt Agent to proceed for the recovery of any balance that may be due to Government within the year, upon any contract made for the manufacture of Salt in the limits of his Agency, by the process of distraint; and for the demand and levy of the same, to exercise the powers vested by the Regulations and Acts of the Government in Zemindars and Sudder Farmers, being subject to like restrictions, and with the like remedies to any parties aggrieved thereby.

XIX. And it is hereby enacted, that if any person shall by threats or by violence prevent the lawful arrest of any person by an Officer duly authorized to seize Salt, or shall procure his release after arrest, or if the party found with the Salt in possession, or any other persons resist any such Officers, they shall severally and respectively be liable to the punishment prescribed in Section LVI. of Regulation X. 1819, of the Bengal Code.

XX. And it is hereby enacted, that if any Officer making an arrest upon account of Salt smuggling shall neglect to carry the person arrested to the proper Officer of the Salt Department, or shall delay to report the arrest to his superior, or shall release or connive at the escape of the person arrested, every such Officer shall, on conviction of any one of the above offences, besides dismissal from office, be liable to be sentenced for the same to a fine not exceeding 200 Rupees, and to imprisonment not exceeding three months; and the sentence may be adjudged by any Officer competent to adjudicate a forfeiture of contraband Salt, and in case of non-payment of the fine, to a further imprisonment not exceeding three months, at the discretion of the Officer deciding the case.

XXI. And it is hereby enacted, that whenever any person may be arrested by an Officer of the Salt Department, or by any other Officer of other Departments duly empowered to make a seizure of Salt, the person making the arrest shall be bound to carry the party arrested direct to the Officer of the Salt Department who may be competent to try the case; and no person so arrested shall be released, until the case shall have been brought to judgment in the manner provided by Law.

XXII. And it is hereby enacted, that if any Officer of the Salt Department be convicted before the Magistrate of any District, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for Salt, or of having vexatiously and unnecessarily arrested any person, or of having stopped and detained any boat unnecessarily and without authority, or of having detained any boat longer than is necessary for the purpose of search, every such Officer shall, besides dismissal, be punishshed with imprisonment not exceeding six months, and with fine not exceeding 200 Rupees, commutable, if not paid, to a further imprisonment not exceeding six months.

XXIII. And it is hereby enacted, in modification of Section CXXII. Regulation X. of 1819, aforesaid, that if any person shall wilfully and maliciously give false information in respect to there being illicit Salt in store in any house or warehouse, and so procure that such house or warehouse shall be searched to the injury or vexation of the owners thereof, or of any other person or persons

whatsoever, such false informer shall, on conviction of the offence before any Magistrate, be liable to imprisonment for two years, and to fine not exceeding 500 Rupees, at the discretion of any Magistrate by whom the case may be tried, and in case of the non-payment of the fine, to imprisonment for a further period of six months.

XXIV. And it is hereby enacted, that when parties shall be convicted of the illegal possession or transportation of Salt, and shall be liable to the penalty of five Rupees per maund as prescribed in Section XXXVI. Regulation X. of 1819, of the Bengal Code, the fine shall be at the said rate according to the quantity of Salt seized, whether less or more than one maund, and each one of the smugglers in company, or parties to the fraud on the Revenue shall be liable to the whole fine.

XXV. And it is hereby enacted, that it shall be competent to the Governor or Deputy Governor of Bengal to vest with the power of adjudicating cases of contravention of the Laws for protection of the Revenue derived from Salt, any Assistant to a Salt Agent, or Uncovenanted Superintendent of Salt Chokies, who may seem to him qualified; and such Officers, when invested with such powers, shall exercise them subject to the same rules and restrictions as Covenanted Salt Agents and Superintendents of Chokies; provided that no Officer adjudicating cases of contravention of the Salt Revenue Laws shall receive any part of the rewards that may be decreed or otherwise benefit directly by the adjudication of such cases.

XXVI. And it is hereby enacted, that cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X. of 1819 of the Bengal Code for other cases of contravention of the Laws for the protection of the Revenue derived from Salt; and the Officer adjudicating the case shall be guided by the provisions of Sections C. to CXVI. of that Regulation; and the Judge of the City or Zillah shall be bound to proceed in respect to persons sentenced to any fine or other penalty under the provisions of this Act, in the same manner, subject to the modifications and additions hereinafter provided, as is prescribed in respect to persons convicted of the offences and tried before the authorities specified and provided by the said Regulalion.

XXVII. And it is hereby enacted, in modification of Clauses XXXII. and XXXIII. of Regulation X. 1819 of the Bengal Code, that it shall be the duty of every party under direct engagements with Government for the Land Revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands upon whose zemindaree farm or lakhiraj estate there shall be any works producing Salt, otherwise than under contract with a Salt Agent or on account of Government, to give notice of the same in writing to the nearest public Officer of Police or Land Revenue or of the Salt Department, within ten days from the date on which the works were first prepared; and in like manner it shall be the duty of every person employed in the collection of the Land Revenue of any Muhal on the part of Government, or of the Court of Wards, or of joint proprietors, to give like notice in respect to Salt manufactured on the lands under their management; and every such proprietor, farmer, proprietor of lakhiraj estate or manager, who shall knowingly omit to give such notice, shall be liable on conviction before the Judge of any Zillah or City to a fine of 500 Rupees, for every Khalaree or Salt Work established on his lands; and such knowledge shall not be required to be established by direct proof, but may be inferred from circumstances at the discretion of the Judge deciding the case; and any fine that may be adjudged under this Section shall be recoverable by distress and sale of the goods and chattels of the offender, or by process of execution taken out by any Salt Agent or Superintendent of Chokies in the manner provided for decrees of the Civil Court.

XXVIII. And it is hereby enacted, in modification of Section LXIV., Regulation X. of 1819, aforesaid, and in addition thereto, that when there may be no direct proof of the unauthorized removal of Salt from any golah or place of Government store, sufficient to convict the parties concerned therein of theft within the provisions of the said Section, the Officer or Officers who may have been entrusted with the charge of such golah or place of Government store, shall nevertheless be liable for the offence of embezzling the Salt of any store in their custody the out-turn of which shall, according to the accounts kept of receipts and deliveries, exhibit a deficiency for which he or they may not duly account. And the Officer in charge of any golah or Salt store shall in like manner be

deemed guilty of embezzlement if he has made away with, or shall not produce the true account of such store; and any person against whom the offence of embezzlement shall be established under this Section, shall be liable, on conviction before the Magistrate of the City or District, to be punished by fine and imprisonment under the general powers vested in the Zillah and City Magistrates.

XXIX. And it is hereby enacted, in addition to the Rules contained in Sections CXI., CXII. and CXIII. of Regulation X. 1819 of the Bengal Code, for the adjudication of cases of contravention of the Laws enacted for the protection of the Revenue derived from Salt, that if the attendance of the parties charged with such offences cannot be obtained by reason of their failure to attend in person or by vakeel, after being served with a summons, or by reason of their evading process, the Officer adjudicating any such case shall issue notice for the attendance of the parties accused in the manner prescribed in Section CII. of the said Regulation; and if the parties do not attend in person or by vakeel within the time fixed by such notice, the Officer adjudicating the case shall pass judgment thereon, under the said last mentioned Section, in like manner as if the parties accused were present; and the Officer so adjuducating any case *ex parte*, may, at any time after such judgment, issue his warrant for the apprehension of the persons convicted for execution of the sentence, in the manner provided in Regulation X. of 1819 of the Bengal Code, and in this Act, for cases in which the parties were present; and further may at any time sue out process for levying the amount of fine adjudged, from any Civil Court competent to execute its own decrees in the manner and form prescribed for the execution of the decrees of such Civil Court under Section XXX. of this Act.

XXX. And it is hereby enacted, that when the Officer holding proceeding in any case *ex parte*, as above provided, shall refer the case to the Judge of any City or Zillah, in consequence of the amount of fine being such as the said Officer is not competent finally to adjudge, the Judge of the City or Zillah to whom such case may be referred shall issue such orders and institute such proceedings as are authorized by Sections CXI. to CXIII. of Regulation X. of 1819 of the Bengal Code, in like manner as if the offenders were sent over with the case or were present to be heard in

their defence; and whenever any fine may be adjudged by the Zillah or City Judge, the same may be levied on the application of the Salt Agent or Superintendent of Salt Chokies under the rules in force for the execution of the decrees of Civil Courts.

XXXI. And it is hereby enacted, in modification of the Rules contained in Sections CIX. and CXII. of Regulation X. of 1819 of the Bengal Code, whereby the power of final adjudication by Salt Agents or Superintendents of Chokies, in cases of the contravention of the laws enacted for the protection of the Salt Revenue, is restricted to cases in which the quantity of Salt proposed to be confiscated shall not exceed twenty maunds or the fine adjudicated shall not exceed 50 Rupees, that the judgment of any Salt Agent or Superintendent of Chokies, or of any other Officer vested by Government with like jurisdiction in such cases, shall be final in all cases wherein the Salt adjudged to be confiscated shall not exceed eighty maunds, and the fine imposed upon the defendant, or any one of several defendants, shall not exceed 400 Rupees. Provided however that every such judgment may under Section CXVII. of the said Regulation be brought by petition before the Board of Customs, Salt and Opium, and be reversed or amended by that authority.

XXXII. And it is hereby enacted, in modification of Section CXIV. Regulation X. 1819 of the Bengal Code, that the Zillah and City Judges shall pass final judgment in all cases referred to them for adjudication when the quantity of Salt to be confiscated shall exceed eighty maunds, or the fine imposed shall exceed 400 Rupees; provided however that there shall in all such cases be an appeal open to the Sudder Dewanny Adawlut, under the Rules for the admission of special appeals in that Court, upon any point of law which may be ruled by a Zillah or City Judge in any such judgment.

XXXIII. And it is hereby enacted, that the penalties of this Act shall take effect only within the tract of Country guarded by Salt Chokies in the manner prescribed in Section XXXVI. of Regulation X. 1819 of the Bengal Code, and within which the transportation of Salt, not belonging to Government, without a Ruwana, or Special pass from the Board of Customs, Salt and Opium, is not lawful; and it is hereby declared that such tract shall not extend

within the Delta of the Ganges and Megna Rivers, beyond the line of the reach of the tides in the Rivers communicating with the Bay of Bengal as taken at spring tides in the dry season; nor, eastward of the Megna, north of the River Goomtee; nor, westward of the River Hooghly, beyond a line drawn from a point on that River distant one mile from the northern end of the town of Nyasurai, and to the north thereof, to a like point distant one mile to the north of the town of Guttaul, and thence to a like point distant one mile to the north of the town of Midnapore, and thence to a like point distant one mile to the north of Huldipookur in Singbhoom, so as to include each of those towns respectively.

BENGAL.—REGISTRATION.

ACT No. XXX. OF 1838.

[*Passed on 19th November,* 1838.

1. *Sections* 2, 14, *Regulation* 36, 1793; *Regulation* 17, 1803; *Section* 17, *Regulation* 8, 1805; *Section* 32, *Regulation* 12, 1805; *Section* 4, *and Clauses,* 2, 3, *Section* 6, *Regulation* 20, 1812, *and Section* 2, *Regulation* 4, 1824, *modified.*
2. *Offices for the Registry of Deeds may be established at any Civil Station.*
3. *Same fees payable at offices established under this Act, as at old Offices.*
4. *Section* 15, *Regulation* 36, 1793; *and Clauses* 2, 3, *Section* 6, *Regulation* 20, 1812, *shall not apply to offices and persons appointed under this Act.*
5. *Fees for registering deeds in European language to be paid at the established rates of section writing in addition to fees under Section* 14, *Regulation* 36, 1793.
6. *Zillah Judge, &c. may appoint temporary Registrars in case of death or absence of Registrar.*

I. It is hereby enacted, that Sections II. and XIV. Regulation XXXVI. 1793, the Provisions of which were extended by Regulation XXVIII. of 1795, Regulation XVII. of 1803, Section XVII. Regulation VIII. of 1805, and Section XXXII. Regulation XII. of 1805, Section IV., and Clauses 2 and 3, Section VI. Regulation XX. 1812, and Section II. Regulation IV. of 1824, of the Bengal Code, be modified.

II. And it is hereby enacted, that in addition to the Offices to which those Sections relate, Offices for the Registry of Deeds may be established at any Civil Stations, and may be placed by the Orders of Government under the superintendence of any Officers

resident at such Stations whom Government may nominate for that purpose.

III. And it is hereby enacted, that the Registration of Deeds at any Office of Registry authorized by this Act shall be subject to the payment of the same fees as are prescribed in Section XIV. Regulation XXXVI. 1793, for Deeds registered at an Office established at the Station of a Zillah or City Court.

IV. And it is hereby enacted, that Section XV. Regulation XXXVI. 1793, and Clauses 2 and 3, Section VI. Regulation XX. 1812 of the Bengal Code, shall not be held applicable to offices and persons established and appointed for the registry of Deeds under this Act.

V. And it is hereby enacted, that persons desirous of registering Deeds written in any European language at any Office of Registry in the Territories subject to the Presidency of Bengal, shall be required to pay for transcribing the same according to the established rates of Section Writing, in addition to the fees prescribed by Section XIV. Regulation XXXVI. 1793.

VI. And it is hereby enacted, that in case of the death or absence on leave of any person appointed by Government to register Deeds under this Act, it shall be lawful for the Zillah Judge or other Officer specially authorized by Government, to appoint any person whom he may think proper to take temporary charge of the Office and to register Deeds in the same manner as if such person had been appointed to the Office by the Orders of Government.

CRIMINAL LAW.

ACT No. XXXI. OF 1838.

[*Passed on the 3rd December,* 1838.

1. *Repeals Sections* 59, 60, 61, 80, 81, 82, 84, 85, 90 (*part of it*), 114, 117, 119, 123, *of Stat.* 9. *Geo.* 4 *c.* 74.

2. *Act to extend to all persons and places within the jurisdiction of Her Majesty's Courts.*

3. *Relates to offences, by poison, or other destructive thing, by stabbing, cutting, wounding, causing bodily injury dangerous to life, with intent to commit murder.* PUNISHMENT,—*Death.*

4.. OFFENCES—*attempting to administer poison or other destructive thing; shooting at any person; drawing a trigger, or otherwise attempting to discharge loaded arms at any person; attempting to drown, suffocate or strangle any person, with intent to commit murder.* PUNISHMENT,—*Transportation for life or years, or imprisonment for not exceeding 4 years.*

5. OFFENCES.—*Unlawfully and maliciously shooting at any person; drawing a trigger or otherwise attempting to discharge loaded arms at any person; stabbing, cutting, wounding any person, with intent to maim, disfigure or disable; or to do other grievous bodily harm, or to resist lawful apprehension or detainer of person.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

6. OFFENCES.—*Unlawfully and maliciously sending or delivering, &c. to any person any explosive substance or other dangerous thing, &c. casting, &c. upon any person any corrosive fluid, &c. with intent to burn, maim, disfigure, disable, or do grievous bodily harm, and whereby any body shall be burnt, &c.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

7. OFFENCES —*Administering &c. to any person &c. any poison or other noxious thing or unlawfully using any instrument or other means with intent to procure her miscarriage.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

8. TRIAL.—*On any trial for the above offences, or for any felony which shall include an assault, the jury may acquit of the felony, and find guilty of the assault, in which case the Court may imprison not exceeding 4 years.*

9. OFFENCES—*Burglariously breaking and entering any dwelling house, and assaulting with intent to murder, or stabbing, cutting, wounding, beating or striking any person therein.* PUNISHMENT,—*Death.*

10. *Any person convicted of burglary may be transported for life or years, or imprisoned not exceeding 4 years.*

11. *The night, in relation to burglary, shall be considered to commence at 9 and conclude at 6*

12. OFFENCES —*Stealing in dwelling house, and by menaces, &c. putting any one therein in bodily fear; stealing in a dwelling house to the value of Company's Rupees 50 or more.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

13. OFFENCES.—*Robbing any person, and at the time or immediately before or after, stabbing, cutting or wounding any person.* PUNISHMENT,—*Death.*

14. OFFENCES.—*Armed with any offensive weapon, &c robbing or assaulting with intent to rob any person; being with one or more, and robbing or assaulting with intent to rob, and beating, striking or using any personal violence to any person.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding 4 years.*

15. OFFENCES.—*Accusing or threatening to accuse of buggery; assaulting with intent to commit, or attempting or endeavouring to commit that crime; making or offering any solicitation, &c to any person whereby to move him to commit, &c. that crime, with the view in any of the above cases to extort by intimidation, and extorting*

any property. PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding* 4 *years.*

16. OFFENCES.—*Plundering or stealing any part of ship, &c. in distress or wrecked &c. or any goods &c. belonging to such ship &c.* PUNISHMENT,—*Transportation for life or years, or imprisonment not exceeding* 4 *years.*

17. OFFENCES.—*Robbing any person, or stealing from the person.* PUNISHMENT,—*Transportation not exceeding* 15 *nor less than* 10 *years, or imprisonment not exceeding* 3 *years.*

18. *Assaulting with intent to rob. Imprisonment not exceeding* 3 *years.*

19. *With menaces or by force, demanding any property, with intent to steal.—Imprisonment not exceeding* 3 *years.*

20. *Unlawfully and maliciously setting fire to any dwelling house. Death,*

21. *Unlawfully and maliciously setting fire to any church, &c. or house, stable, coach house, &c. or building &c. used in carrying on any trade, &c. whether in possession of offender or other person, with intent to injure or defraud any person. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

22. *Unlawfully and maliciously setting fire to, casting away, or in any wise destroying any ship, &c. with intent to murder, or whereby any life be endangered. Death.*

23. *Unlawfully exhibiting any false light, &c. with intent to bring any ship, &c into danger; or, unlawfully or maliciously doing any thing tending to the immediate loss or destruction of any ship, &c. in distress. Death.*

24. *Unlawfully and maliciously setting fire to, or in anywise destroying any ship or vessel in a complete or in an unfinished state, or setting fire to, &c. any ship, &c. with intent to prejudice any owner of such ship, or of any goods on board, or any underwriter. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

25. *By force preventing or impeding any person endeavouring to save his life from any ship, &c. in distress, &c. whether on board thereof or after he has quitted. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

26. *Unlawfully and maliciously destroying any part of any ship, &c. in distress, &c. or any Goods, &c. belonging thereto. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

27. *Unlawfully and maliciously setting fire to any mine of coal. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

28. *Unlawfully and maliciously setting fire to any stack of rice, corn, &c. grain, pulse, &c. whether standing or cut down, or to any part of a wood, coppice or plantation of trees, or to any grass, fern or other like ground produce. Transportation for life or years, or imprisonment not exceeding* 4 *years.*

29. *Stealing the whole or part of any growing tree, &c. or of any pale, post &c., any growing cultivated plant, root, &c. or unlawfully and maliciously committing any damage, injury or spoil to or upon any real or personal property whatever. On conviction before a Magistrate or J. P., for first offence, penalty not exceeding* 50 *Rupees; for second or subsequent offence, imprisonment with or without hard*

labour not exceeding 6 calendar months. This Section not to extend to such offences in Prince of Wales' Island, Singapore, or Malacca.

30. *Every sum of money forfeited for injury done shall be paid to party aggrieved, except when he has been examined in support of charge. If penalty not paid at time of conviction or within time allowed by Magistrate, offender may be imprisoned, with or without hard labour, not exceeding 2 calendar months, if penalty and costs do not exceed 50 Rupees, and not exceeding 4 months above that sum.*

31. *Several persons jointly convicted may be each adjudged to pay the full penalty, but only one penalty equivalent to injury done shall be paid to party aggrieved.*

32. *Offender summarily convicted, shall be released after payment of penalty and costs, or after having suffered the adjudged term of imprisonment.*

33. *Malicious offences under this act, punishable, whether the malice was conceived against the owner of property or otherwise.*

34. *In any proceeding for theft or malicious injury to property, the property needs not be alleged to be of any person.*

35. *The word property, shall be deemed to include every thing included under the words "chattel, money or valuable security."*

36. *Principals in the second degree, and accessaries before the fact, punishable as principals in the first degree. Accessaries after the fact, except receivers, shall be imprisoned not exceeding 2 years.*

37. *Sentences of imprisonment, may award hard labour, and also solitary confinement not exceeding one month at a time, or 3 months in a year.*

38. *Natives of the East Indies, not born of European parents, shall not be transported to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.*

I. It is hereby enacted, that so much of a Statute made and passed in the 9th year of the reign of His late Majesty King George the Fourth, entitled an Act for improving the administration of Criminal Justice in the East Indies, as relates to any person who unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall, by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to murder such person; and so much of the said Act as relates to any person who shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall un-

lawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices for any offence for which he or they may respectively be liable by law to be apprehended or detained; and so much of tho said Act as relates to any person who, with intent to procure the miscarriage of any woman, then being quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any poison or other noxious thing, or shall use any instrument or other means whatsoever with the like intent; and who with intent to procure the miscarriage of any woman, not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like intent; and so much of the said Act as relates to any person who shall rob any other person of any chattel, money, or valuable security; and so much of the said Act as relates to any person who shall accuse or threaten to accuse any other person of any infamous crime, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him any chattel, money or valuable security; and so much of the said Act as relates to any person who shall steal from the person of another, or shall assault any other person with intent to rob him, or shall, by menaces or by force, demand property of any other person with intent to steal the same; and so much of the said Act as relates to any person who shall be convicted of burglary; and so much of the said Act as relates to any person who shall break and enter any dwelling house and steal therein any chattel, money or valuable security to any value whatever, or shall steal any such property to any value whatever in any dwelling house, any person therein being put in fear, or shall steal in any dwelling house any chattel, money or valuable security to the value in the whole of Fifty Company's Rupees or more; and so much of the said Act as relates to any person who shall plunder and steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles

of any kind belonging to such ship or vessel; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to, or in any wise destroy, any ship or vessel, whether the same be complete, or in an unfinished state, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to destroy such cargo or ship, and with intent thereby to prejudice any owner or part owner of such ship or vessel, or any owner or part owner of any goods on board the same, or any person that hath underwritten, or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the said Act as relates to any person who shall exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same); and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain or pulse, or sugar-cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing; and so much of the said Act as relates to the punishment of principals in the second degree, and of accessaries before and after the fact respectively to such of the felonies punishable under those Acts as are hereinbefore referred to, shall,

from the time of passing this Act, cease to have effect within the territories of the East India Company, except as to offences committed before or upon the day of passing this Act, which shall be dealt with and punished as if this Act had not been passed.

II. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the Criminal jurisdiction of any of Her Majesty's Courts of Justice within the territories under the Government of the East India Company extends, but not further or otherwise.

III. And it is hereby enacted, that whosoever shall administer to or cause to be taken by any person any poison or other destructive thing, or shall, stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall suffer death.

IV. And it is hereby enacted, that whosoever shall attempt to administer to any person any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

V. And it is hereby enacted, that whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct

for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VI. And it is hereby enacted, that whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person, any explosive substance or any other dangerous or noxious thing, or shall cast or throw upon or otherwise apply to any person any corrosive fluid or other destructive matter, with intent in any of the cases aforesaid, to burn, maim, disfigure, or disable any person or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VII. And it is hereby enacted, that whosoever, with intent to procure the miscarriage of any woman, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VIII. And it is hereby enacted, that on the trial of any person for any of the offences hereinbefore mentioned, or for any felony whatever, where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding, and when such verdict shall be found, the Court shall have power to imprison the person, so found guilty of an assault, for any term not exceeding four years.

IX. And it is hereby enacted, that whosoever shall burglariously break and enter into any dwelling house, and shall assault with intent to murder any person being therein, or shall stab, cut,

wound, beat or strike any such person, shall be guilty of felony, and being convicted thereof shall suffer death.

X. And it is hereby enacted, that whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XI. Provided always, and it is hereby enacted, that so far as the same is essential to the offence of burglary, the night shall be considered, and is hereby declared to commence at nine of the clock in the evening, and to conclude at six of the clock in the morning of the next succeeding day.

XII. And it is hereby enacted, that whosoever shall steal any property in any dwelling house, and shall by any menace or threat put any one being therein in bodily fear, or shall steal in any dwelling house any property to the value in the whole of Fifty Company's Rupees or more, or shall break and enter any dwelling house, and steal therein any property shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XIII. And it is hereby enacted, that whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery shall stab, cut or wound any person, shall be guilty of felony, and being convicted thereof, shall suffer death.

XIV. And it is hereby enacted, that whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall together with one or more person or persons rob or assault with intent to rob any person, or shall rob any person, and at the time of or immediately before or after such robbery shall beat, strike or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XV. And it is hereby enacted, that whosoever shall accuse

or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVI. And it is hereby enacted, that whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, and be convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVII. And it is hereby enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

XVIII. And it is hereby enacted, that whosoever shall assault any person with intent to rob shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XIX. And it is hereby enacted that whosoever shall with menaces or by force, demand any property of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XX. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of felony, and being convicted thereof shall suffer death.

XXI And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any church or chapel or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall suffer death.

XXIII. And it is hereby enacted, that whosoever shall unlawfully exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof shall suffer death.

XXIV. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in any wise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel or on the freight thereof or upon any goods on board the same, shall be

guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXV. And it is hereby enacted, that whosoever shall by force prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore (whether he shall be on board or shall have quitted the same) shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVI. And it is hereby enacted, that whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any mine of coal shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVIII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any stack of rice, corn or other grain, pulse, or sugar-cane, straw, hay, or wood, or to any crop of rice, corn or other grain, or pulse or sugar-cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXIX. And it is hereby enacted, that if any person shall steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or of any pale, post or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, every such offender being convicted before a Magistrate or Justice of the Peace shall, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 50 Rupees as to the Magistrate or Justice of the Peace shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for such second offence, be imprisoned, with or without hard labor, for such term not exceeding six calendar months as the convicting Magistrate or Justice of the Peace shall think fit. Provided always that nothing in this Section contained concerning the stealing of any property or malicious damage, injury or spoil to or upon any real property of a private nature shall extend to the settlements of Prince of Wales' Island, Singapore, or Malacca.

XXX. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the convicting Magistrate or Justice of the Peace) shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence, and that in every case of a summary conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the Magistrate or Justice of the Peace shall not be paid, either immediately after the conviction or within such period as the Magistrate or Justice of the Peace shall, at the time of conviction, appoint, it shall be lawful for the convicting Magistrate or Justice of the Peace to commit the offender to the Common Gaol or House of Correction to be imprisoned only, or to be imprioned with hard labor according to the discretion of the Magistrate or Justice of the Peace for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both, (as the case may be) together with the costs, shall not exceed 50

Rupees, and for any term not exceeding four calendar months when the amount with costs shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

XXXI. Provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

XXXII. And it is hereby enacted, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, every such person shall be released from all further or other proceedings for the same cause.

XXXIII. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

XXXIV. And it is hereby enacted, that it shall not be necessary in any proceeding either for theft or for malicious injury, spoil, or damage, to or upon any property dedicated to public use or ornament, to allege the same to be the property of any person.

XXXV. And it is hereby enacted, that the word "property" shall throughout this Act be deemed to include every thing included under the words "chattel, money, or valuable security" in the said Statute made and passed in the ninth year of the reign his late Majesty King George the 4th aforesaid—and that the dwelling house shall have the same construction as in the Statute.

XXXVI. And it is hereby enacted, that in the case of every felony punishable under this Act, every principal in the second

degree and every accessary before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable. And every accessary after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction, be liable to be imprisoned for any term not exceeding two years.

XXXVII. And it is hereby enacted, that where any person shall be convicted under this Act for any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned and kept to hard labor, and also to direct that the prisoner be kept in solitary confinement for such a period or periods of the imprisonment as to the Court in its discretion shall seem meet not exceeding one month at a time, or three months in any one year.

XXXVIII. And it is hereby enacted and provided that it shall not be lawful for any Court, under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

BENGAL.—JUDICIARY.

ACT No. XXXII. OF 1838.

[*Passed on the* 10*th December*, 1838.

1. *All powers in Criminal Cases given to two Justices in Bengal, Behar and Orissa, and within the Presidency of Fort William, may be exercised by one Justice.*

2. *Any one Justice may issue a Warrant of Distress under* 33 *George* 3 *Cap.* 52.

3. *Legalises previous Acts and Warrants of one Justice.*

I. It is hereby enacted and declared, that all powers whatever in Criminal Cases, which by virtue of any law now in force may be exercised by two Justices of the peace within and for the Provinces, Districts, and Countries of Bengal, Behar and Orissa, and within and for the Presidency of Fort William in Bengal, and places thereto subordinate, may be exercised by one such Justice.

II. And it is hereby enacted, that it shall be lawful for any

one such Justice to issue a Warrant of Distress for the recovery of arrears of Assessment accruing under the Act of Parliament 33 George III. Cap. 52, and every such Warrant shall have the same force as if it were under the hands and seals of two such Justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and Warrants issued by one such Justice of the Peace, shall be deemed legal and valid as if the same had been exercised or issued by two such Justices.

BENGAL.—DISTRESS FOR RENT.

ACT No. I. OF 1839.

[*Passed on the 4th February*, 1839.

1. *Repeals all Regulations giving any persons authority by virtue of Office to sell property for arrears of rent.*
2. *Collector, &c., by sunnud, may appoint persons to sell property, deducting a per centage.*
3. *All Regulations for the guidance of persons appointed to sell, to apply to persons appointed under this Act.*

Schedule. Form of Sunnud.

I. It is hereby enacted, that from the first day of May next ensuing after the passing of this Act, all Regulations and parts of Regulations of the Bengal Code, which give to any persons or class of persons authority, by virtue of any Office held by them, to sell property distrained for the recovery of arrears of rent, shall, so far as they give such authority, be repealed.

II. And it is hereby enacted, that from the date aforesaid, it shall be lawful for the Collector or Officer duly exercising the powers of a Collector in each District subject to the Presidency of Fort William in Bengal, to appoint, by a sunnud under his signature and seal, in the terms of the Schedule appended to this Act, and conformably to such instructions as he may receive in that behalf, any person or persons to exercise the function of selling property distrained for the recovery of arrears of rent in each Purgunnah or sub-division of his District, and to authorize such persons to remunerate themselves by deducting a per centage, not in any Case exceeding ten per centum on the amount of the proceeds of the sale.

III. And it is hereby enacted, that all Regulations and parts of Regulations of the Bengal Code, which give powers to, or prescribe rules for the guidance of persons appointed to conduct the sale of property distrained for the recovery of arrears of rent, or which assign any penalty or other punishment for misfeasance in the discharge of such duty, shall be applicable to all parties appointed for the sale of such property under this Act.

SCHEDULE.

I, A. B., Collector of ——— Zillah ——— (or exercising the powers of a Collector) in virtue of the powers vested in me by Act No. I. of 1839, appoint you C. D., Commissioner for the sale of property distrained for the recovery of arrears of rent, in the manner prescribed by the Regulations of Government. You are to reside at E., in Purgunnah F., and are to exercise the authority vested in you by these Regulations, or by any others which may be hereafter transmitted to you for your guidance, in strict conformity thereto, and are to keep a regular and complete record of your proceedings to be produced when called for by me, or by the Courts of Justice. You are hereby authorized to remunerate yourself for your trouble, by deducting and appropriating——per centum on the amount of the proceeds of sale.

SUMMARY JURISDICTION.

ACT No. II. OF 1839.

[*Passed on the 4th February,* 1839.

1. *In cases of fines, no other means of enforcing which are provided, such fines may be levied by distress and sale of offender's goods; or if no goods are found, by imprisonment for not exceeding 2 months, with or without hard labor, or for 4 months or 6 months, according to amount of fine.*

2. *In cases of fines and imprisonment heretofore and hereafter imposed, the amount of which is not fixed, the fine shall not exceed 200 Rupees, nor the term 6 months.*

3. *Magistrates having power to punish, may receive proof upon oath or affirmation.*

4. *Meaning of terms.*

I. It is hereby enacted, that in all cases of fines by which of-

fenders are or may be punishable by any Magistrate, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing the payment are or shall be provided by such Act or otherwise, for the Magistrate, by warrant under his hand, to levy the amount of such fine by distress and sale of any goods and chattels of the offender which may be found within the jurisdiction of such Magistrate, and if no such property shall be found within such jurisdiction, then it shall be lawful for every such Magistrate, by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Magistrate, for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 Rupees, and for any term not exceeding four calendar months, where the amount shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount.

II. And it is hereby enacted, that in all cases in which offenders are or may be punishable by any Magistrate with fine or imprisonment, or both, according to the provisions of any Act heretofore passed or which shall hereafter be passed by the Governor General of India in Council, and where the extreme amount of the fine or imprisonment is not specified, it shall not be lawful for the Magistrate to impose any fine exceeding 200 Rupees, or to imprison the offender for any term exceeding six months.

III. And it is hereby enacted, that in all cases in which offenders are or may be punishable by fine before a Magistrate, according to the provisions of any Act heretofore passed or which hereafter shall be passed by the Governor General of India in Council, it shall be lawful for the Magistrate, and he is hereby required to receive proof of the commission of the offence upon oath, or upon solemn affirmation in cases where a solemn affirmation is receivable by law instead of an oath.

IV. And it is hereby declared, and enacted, that in this Act and in all Acts heretofore passed by the Governor General of India in Council, the terms "fine" and "fines" shall extend to all "pe-

nalties" and "forfeitures," and the term "Magistrate" shall extend to all "Joint Magistrates," "persons lawfully exercising the powers of a Magistrate," and "Justices of the Peace."

The provisions of this Act are extended to Rates made under Act 10, 1842.

ACT No. III. OF 1839.

[*Passed on the* 18*th February*, 1839.

1. *and* 3. *No person by reason of place of birth or descent, to be exempt from jurisdiction of Revenue Courts or Moonsiffs.*

2. *Validates decrees which would be open to exception before the passing of this Act.*

I. It is hereby enacted and declared, that within the British Territories under the Government of the East India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the Revenue Courts, any thing in Act No. XI. of 1836 contained notwithstanding.

II. And it is hereby enacted, that no such proceeding which may have been instituted before the passing of this Act in any such Court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such Court, shall be treated as invalid by reason of the place of birth or by reason of the descent of any party to such proceeding or to such decree.

III. And it is hereby enacted, that within the said Territories no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever connected with arrears or exactions of rent excepted from the jurisdiction of the Courts of the Moonsiffs.(*a*)

(*a*) Act 11, 1843, abolishes this exception, in any Civil proceeding whatever: consequently a reference to the above Section is unnecessary.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. IV. OF 1839.

[*Passed on the 18th March*, 1839.

1. OFFENCES.—*Stealing growing tree, sapling, shrub, underwood, pale, post, stile, growing cultivated plant, root, fruit, or vegetable production, maliciously committing damage, &c. upon private property.* PUNISHMENT,—*To pay not exceeding 200 Rupees, besides compensation. For second and subsequent offences, six months imprisonment.*

2. *Sum assessed for compensation to be paid to party aggrieved, &c.*

3. *In default of payment, offender may be committed to prison with or without hard labor for terms varying with amount of penalty.*

4. *Offender to be released from all further proceedings for same cause, after payment or imprisonment,*

5. *Offence maliciously committed within the act, whether the malice was conceived against the owner or otherwise.*

6. *Receiver punishable in same manner as principal offender.*

7. *Court to set for trial of cases under this act, once in fourteen days at least.*

I. It is hereby enacted, that if any person shall, within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or the whole or any part of any pale, post or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to, or upon any real or personal property whatsoever of a private nature, every such offender, being convicted thereof before a Court of Quarter Session, shall, for the first offence, forfeit and pay over and above the amount of the injury done, such sum of money, not exceeding 200 Rupees, as to the Court of Quarter Session shall seem meet, and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for every such subsequent offence, be imprisoned with or without hard labour for such term not exceeding six calendar months, as the Court of Quarter Session shall think fit.

II. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the Court of Quarter Session, but not to exceed 200 Rupees,) shall be paid to the party ag-

grieved, if known, except when such party shall have been examined in proof of the offence. Provided always, that when several persons shall join in the commission of the same offence, and shall, on conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved, than that which shall be forfeited by one of such offenders only.

III. And it is hereby enacted, that in every case of conviction under this act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the said Court of Quarter Session, shall not be paid, either immediately after the conviction, or within such period as the said Court shall at the time of the conviction appoint, it shall be lawful for the said Court to commit the offender to prison, there to be imprisoned only, or to be imprisoned with hard labor, according to the discretion of the said Court, for any term not exceeding two calendar months, when the amount of the sum forfeited or of the penalty imposed, or both, (as the case may be) together with the costs, shall not exceed 50 Rupees; and for any term not exceeding four calendar months, when the amount, with costs, shall exceed 50 Rupees, but shall not exceed 100 Rupees, and for any term not exceeding six calendar months, in any other case: the commitment to be determinable in each of the cases aforesaid, upon payment of the amount and costs.

IV. And it is hereby enacted, that in case any person convicted of any offence, by virtue of this act, shall have paid the sum adjudged to be paid, together with the costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, such person shall be released from all further or other proceedings for the same cause.

V. And it is hereby enacted, that every punishment, and forfeiture by this act imposed on any person maliciously committing any offence shall equally apply and be enforced, whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be commited or otherwise.

VI. And it is hereby enacted, that where the stealing of any property is by this act punishable, either for every offence or for

the first and subsequent offences, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof in like manner as the principal offender, be liable for every first and subsequent offence of receiving to the same forfeiture and punishment to which a person guilty of a first or subsequent offence of stealing is by this Act made liable.

VII. And it is hereby enacted, that the Court of Quarter Session established by the Letters Patent establishing the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, bearing date the 27th day of November, 1826, shall sit for the purpose of hearing and determining matters made offences by this Act at each station of the said settlements not less frequently than once in fourteen days. Provided always, that no Court shall be holden excepting in the presence of one of the Judges of the Court of Judicature, and that no Justice of the Peace being a Proprietor or renter of a spice plantation or otherwise directly interested in the enforcement of the provisions of this Act, shall sit and have a deliberative voice in such Court of Quarter Session when held at a station where such Justice may be so interested.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. V. OF 1839.

[*Passed on the* 18*th March,* 1839.

1. *Magistrate, &c. may grant warrants to search for articles concealed, the exclusive privilege of preparing or selling which has been farmed out by the E. I. Co.*

2. *Persons found contravening Regulations may be searched without warrant. Persons obstructing search to be fined, not exceeding* 100 *rupees, and in case of non-payment imprisoned.*

3. *Officer maliciously and without reasonable grounds apprehending, &c. any person on plea of having infringed Regulations, may be fined not exceeding* 100 *rupees, and in case of non-payment imprisoned not exceeding* 3 *calendar months.*

4. *No further proceedings to be taken for same cause after payment of the fine, or imprisonment.*

5. *No officer to act under provisions of this act unless specially appointed.*

I. It is hereby enacted, that it shall be lawful for any Magis-

trate or Justice of the Peace of the settlements of Prince of Wales' Island, Singapore and Malacca, to grant a Warrant or Warrants to any Peace or Revenue Officer or Officers of the said settlements, empowering him or them by day or by night (but if between the hours of eleven o'clock at night and five in the morning, then the Warrant to be executed by or in the presence of a Peace Officer) to enter and search any dwelling house, shop or other building in any case in which there shall appear to such Magistrate or Justice of the Peace, upon the oath of any party, good and sufficient cause to believe that in any such dwelling house, shop or other building, there is deposited or concealed any article or articles the exclusive privilege of preparing or selling which has been farmed out to any party or parties whomsoever by the East India Company under regulations Nos. II. III. IV. and V. of 1830, passed by the late Governor in Council of the said settlements of Prince of Wales' Island, Singapore and Malacca, and also under Regulation IV. of 1831, passed by the Vice President in Council on the 18th of October, 1831, and also under Regulations X. XI. of 1833, respectively, passed by the Governor General in Council on the 9th of September, 1833, and to seize and take possession of any such article or articles as may be found so deposited or concealed therein, and it shall be lawful for any Officer to whom any such Warrant shall be granted, and he is hereby authorized in case of resistance, to break open any door and to force and remove any other impediment or obstruction to such entry, search, or seizure and removal as aforesaid.

II. And it is hereby enacted, that any person or persons found committing any act in contravention of any of the provisions of the said Regulations may be immediately searched without a Warrant by any Peace or Revenue Officer, provided always that the person to be searched may demand to be taken before some neighbouring Magistrate or Justice of the Peace, who shall determine if there be reasonable grounds of suspicion, and every such Officer or Officers as aforesaid is hereby authorized and required to take such person upon demand before a neighbouring Magistrate or Justice of the Peace, detaining such person in the meantime, and if any persons shall obstruct any such Officer or Officers in making any such search as aforesaid, every such person

shall be subject on conviction before a Magistrate or Justice of the Peace to a fine not exceeding 100 Rupees, such fine to be commuted in case of non-payment to imprisonment for any period not exceeding three calendar months.

III. And it is hereby enacted, that if any Peace or Revenue Officer shall maliciously and without reasonable grounds apprehend or detain any person or persons on the plea that such person or persons have infringed any of the provisions of any of the said Regulations, it shall be competent for any Magistrate or Justice of the Peace to hear the complaint, and if necessary to adjudge the offending Officer or Officers to pay a fine not exceeding 100 Rupees, such fine to be commuted, in case of non-payment, to imprisonment for any period not exceeding three calendar months.

IV. And it is hereby enacted, that in case any Officer committed under the preceding section, shall have paid the sum adjudged to be paid by him, or shall have suffered the imprisonment awarded for non-payment thereof, every such Officer shall be released from all further or other proceedings from the same cause.

V. And it is hereby enacted, that no Peace or Revenue Officer of the said settlements shall be competent to act under the provisions of this Act, unless appointed specially so to do in writing by the principal civil authority of the station where such Peace or Revenue Officer may reside, which authority shall be duly registered at the Police Office of the said station and liable to be annulled at the pleasure of the said Resident Councillor.

BANK OF BENGAL.

ACT No. VI. OF 1839.

[*Passed on the* 18*th March,* 1839.

1. *Rescinds and cancels the Charter of the Bank of Bengal, dated* 29*th May,* 1823. *and Acts* 19, 1836, *and* 24, 1838.

2. 3. *Continues the Corporation in all respects the same.*

4. *Bank may sue and be sued by corporate name, and hold and transfer property.*

5. *Capital Stock may be increased by Regulation of G. G. of India. Twelve months to be given for filling up subscriptions.*

6. *Capital Stock of Bank to be 75 lacs and further sum specified. Shares to be 4,000 rupees, divisible into quarters.*

7. *No proprietor to hold more than one lac and sixty thousand, until the Bank Capital is increased, and except by succession, bequest, or marriage.*

8. *Entitles every proprietor to a certificate of his shares.*

9. *Shares to be personal estate transferable by indorsement. Transfer must be registered, and indorsement noted by officer.*

10. *Corporation to consist of registered proprietors only.*

11. *Business to be managed by 9 Directors, 3 of whom to be appointed by G. G. in C., 6 by general meeting of Proprietors.*

12. *The Directors when charter ceases, to continue.*

13. *Two Directors to go out second Monday in December, when general meeting to elect 2 in their stead. Out-going Director not re-eligible; existing rotation to be observed.*

14. *In case of death, resignation or absence of Director for more than 3 Months, General Meeting to elect successor.*

15. *Director must have 3 shares, and not be Director of any other Bank of Issue in Calcutta.*

16. *At General Meetings, questions to be decided by Majority of votes of persons whose title (except by act of law) has been completed six months.*

17. *Prescribes the scale according to which proprietors may vote.*

18. 19. *Allow proxies to vote.*

20. *Directors to choose President, who is to have a casting vote.*

21. *Three Directors necessary to form a Board, and Directors to establish a rotation among themselves.*

22. *Accounts of the Bank, and all instruments not under seal whereby Bank can be bound, except Cash notes, shall be signed by 3 Directors. Seal to be used only in presence of 3 Directors, who shall sign in token of their presence.*

23. *Directors may appoint officers, remove officers and fix salaries. Whole expense of establishment not to exceed 60,000 rupees, without authority of General Meeting.*

24. *Prohibits the Secretary, Treasurer, Head Accountant, or Khazanchee, from engaging in other Commercial business either as principal, Agent or Broker, requires them to give security.*

25. *Bank shall not be engaged in any business except of the kinds following, &c.*

26. *Directors not to discount or make loan, unless cash in possession is equal to one-fourth of all claims on the Bank payable on demand.*

27. *Directors not to discount securities having more than three months to run, nor to lend money for more than three months, nor to lend on Bank shares or certificates, nor on mortgage, nor on negotiable security not carrying the respon-*

sibility of two persons or firms, nor be in advance to any individual beyond three lakhs save upon Collateral Securities specified.

28. *Directors to make no loan other than specified, except on deposit of public Securities &c. absolutely transferred to the Bank, or of goods not of a perishable nature.*

29. *Bank not to be in advance to Government more than seven and a half lakhs. But the holding of Government Securities not overdue, from individuals shall not be deemed an advance to Government.*

30. *Directors shall not suffer any person keeping Cash, to overdraw his account.*

31. *Bank may issue Promissory Notes not less than* 10 *Rupees, payable on demand, or not exceeding* 30 *days after sight. Total amount of Notes not to exceed* 2 *Crores.*

32. *Prohibits Bank from making, issuing, or negotiating notes &c. for payment out of the limits of India.*

33. *Directors may receive on deposit goods not of a perishable kind, and contract for their safe keeping.*

34. *Books of Bank to be balanced on 30th June, and 31st December in every year &c.*

35. *Dividend to be made of actual profits for preceeding six months. Directors, with sanction of Proprietors, may set apart a reserved fund to meet contingencies.*

36. *First M[illegible] August, statement of affairs of Bank to be laid before General Meeting of Proprietors, &c.*

37. *Any three Directors may at any time convene a General Meeting of Proprietors, giving* 15 *days notice &c.*

38. *Branch Banks may be established with sanction of Governor General in Council. Business of Branch Bank to be same as of Head Bank.*

39. *Dividend may be retained in payment of debts from Proprietors. Proprietor indebted to Bank shall not transfer his share. Share may be sold after six months notice.*

40. *Bank to continue till* 1st *May,* 1846, *and thereafter until dissolved. Twelve months notice of dissolution to be given. Bank suspending Cash payments, to lose the benefit of this Act.*

I. The existing Charter of the Bank of Bengal having been found in many respects inconvenient and imperfect, the Members of the said corporation have by their Directors applied to the Governor General of India in Council for the amendment thereof, by a new Charter or Act of Incorporation, tendering the surrender thereupon of the said Charter, and the Governor General in Council having assented to such surrender, and to the continuance of the said corporation as hereinafter declared;—It is hereby enacted that from the 1st day of May next after the passing of this Act

the Charter of the said Bank of Bengal bearing date the 29th May, 1823, and the Acts No. XIX. of 1836, and the No. XXIV. of 1838, relating thereto, shall respectively cease to have effect, and the same are hereby from that day cancelled, save as to such particulars as are herein mentioned or referred to.

II. And it is hereby enacted, that the persons who at the time of the determination of the said Charter and Acts aforesaid shall, under the provisions of the said Charter and Acts, be the proprietors of the capital stock of the said Bank of Bengal, shall, notwithstanding the determination of the said Charter and Acts, continue to be a corporation, body corporate and politic, by the name of the Bank of Bengal with perpetual succession to them and their successors, proprietors for the time being of the said Bank as hereinafter mentioned, and to possess and enjoy all the rights, privileges and immunities incident by law to a corporation aggregate.

III. And it is hereby enacted, that all property and securities for property, claims and demands whatsoever now vested in or held by the said Bank of Bengal, under and by virtue of said Charter and Acts, shall, immediately on the determination of the said Charter devolve on and become vested and continued in the Bank of Bengal, so continued and incorporated by this Act as aforesaid; and that the said Bank of Bengal, so continued and incorporated as aforesaid, shall be subject to all debts, demands, claims and liabilities outstanding against the said Bank at the time of such determination of its said Charter as aforesaid, and that no suit or proceeding at Law or in Equity then pending shall cease or abate in consequence of such determination of the said present Charter, and of such renewal and continuance of the said Bank by virtue of this Act.

IV. And it is hereby enacted, that the said Bank so renewed and continued shall and may sue and be sued by its corporate name aforesaid, and shall and may have and use such common seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

V. And it is hereby enacted, that the Capital stock of the said

Bank as constituted under the said present Charter and Acts shall on the determination of the same by virtue of this Act continue to be the capital stock of the said Bank so renewed and continued as aforesaid, provided however that it shall be in the power of the Governor General of India in Council from time to time, by resolution notified in the Calcutta Gazette, to authorize the said capital stock to be increased: and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportions of new stock to which they may respectively be entitled, and to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of new stock that may not be subscribed for and paid up in the manner and form so prescribed.

VI. And whereas the Capital Stock of the said Bank, which by the said Act No. XIX of 1836 was fixed at 75,00,000 of Rupees divided into 1,875 shares of 4,000 Rupees each, has, by the Resolution of the President of the Council of India in Council, issued and notified to the Proprietors on the 17th October, 1838, in conformity with Act No. XXIV. of 1838, been ordered to be increased by one half, and whereas a book is now open for subscriptions, and payment is now being made of such increased capital in the manner and under the terms and conditions authorized in the said Act No. XXIV. of 1838, and prescribed in the said order and notice of the President in Council, it is therefore hereby enacted, that the capital stock of the said Bank shall, on the said 1st May next, when this Act shall take effect for the re-incorporation of the said Bank, consist of the said sum of 75,00,000 of Company's Rupees, together with such further amount as shall on that date have been subscribed and paid into the Bank of Bengal under the order and notice referred to, and the further subscriptions and payments of capital authorized and ordered as above mentioned, shall continue to be received in the manner provided in the said order and notice of the President in Council, and shall be added

to the capital Stock of the Bank as received, accordingly as is prescribed in the said order passed under the authority of the said Act, and the capital stock held by the Bank of Bengal on the said 1st May next, together with the further capital that may be subscribed and paid up as above after that date, shall be divided into shares of 4,000 Rupees each, or into quarter shares of 1,000 Rupees each in the manner declared and provided by Act No. XIX. of 1836, and the shares of the said capital that may be then registered in the name of the Governor General of India in Council, shall be the property of the said Governor General of India in Council for the time being on behalf of the East India Company, together with any new shares or quarter shares for which subscription may be made on account thereof, under the option reserved to the said Governor General of India in Council to that effect in the said order and notice, and the shares and quarter shares registered as belonging to individual Proprietors shall continue to be the property of such Proprietors, and the said Proprietors shall respectively be in the proportion of their several interest Proprietors of the Bank of Bengal as re-incorporated by this Act, and shall hold and enjoy in respect to their several shares and interests the same precise rights and privileges, as regards the subcription to fresh stock, under the order and notice referred to, as they would have done if the Bank of Bengal had continued under the Charter and Acts referred to, the re-incorporation of the said Bank by this Act notwithstanding.

VII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the capital stock of the said Bank beyond the amount of one lakh and sixty thousand Rupees, excepting on occasion of the present or of any future increase being made to the capital stock of the said Bank, under the authority of the Governor-General in Council, in the manner prescribed in Sections V. and VI. of this Act, in which case any Proprietor holding stock, to the full amount of one lakh and sixty thousand Rupees, shall notwithstanding be entitled to subscribe to the encreased capital stock in a rateable proportion, and excepting any addition to his interest in the said capital stock arises from succession, bequest or marriage.

VIII. And it is hereby enacted, that a certificate, signed by

three directors of the said bank shall be delivered to the proprietor or proprietors of all the said shares of the capital stock of the said bank, upon demand made by the holder of such share, and that any person who is a proprietor of more than one such share, may, at his option, demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

IX. And it is hereby enacted, that the said share or shares of the capital stock of the said bank shall be of the nature of personal estate of the proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on such certificates thereof respectively, under the hand of the proprietor or proprietors, or his, her, or their attornies duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, provided that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bengal, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose by the Directors of the Bank.

X. And it is hereby enacted, that the said corporate body, so renewed and continued as aforesaid, shall consist and be composed of the registered proprietors for the time being of the said shares of the capital stock of the said Bank, and of no other person or persons whatsoever.

XI And is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removable by the Governor General of India in Council, and the remaining six shall be elected by a General Meeting of the proprietors of the said Bank, and removable by vote of the majority of a General Meeting of the said proprietors.

XII. An it is hereby enacted, that the persons who at the time of such determination of the said present Charter and Acts as aforesaid, shall be Directors of the said Bank, shall thereafter continue to be Directors of the said Bank so renewed and continued as aforesaid.

XIII. And it is hereby enacted, that two of the six Directors

elected and to be elected by the said Proprietors shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead, provided always that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon—provided also that the rotation existing at the time of such determination as aforesaid of the said present Charter and Acts shall continue to be observed.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Calcutta for more than three months, or removal as aforesaid of any Directors elected or to be elected by the said Proprietors, the Directors shall call a General Meeting of the Proprietors to be held within fifteen days for the purpose of choosing a successor, and such successor shall come into the same place in the rotation above mentioned in which the Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the said Proprietors who shall not be Proprietor in his own right, and unincumbered, of three shares of 12,000 Rupees of the capital Stock of the Bank of Bengal, or who shall be a Director of any other Bank issuing Notes payable on demand within the Town or Suburbs of Calcutta.

XVI. And it is hereby enacted, that at General Meetings of the Proprietors every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such meeting in respect of any share of the said Capital Stock acquired by transfer or purchase or otherwise than by act of law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:

1	share	of 4,000 Rs.	shall entitle	to	1	vote.
5	"	"	"		2	"
10	"	"	"		3	"
15	"	"	"		4	"
20	"	"	"		5	"
30	"	"	"		6	"
40	"	"	"		7	"

And no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor General of India in Council to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor General may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such Meeting, excepting upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either general or special, under his, her or their hand, or the hand of his, her or their attorney, duly authorized, to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

XX. And it is hereby enacted, that at the first Meeting of the Directors in every year they shall choose a President from among themselves, and if the office of President shall become vacant they shall at their next Meeting choose a successor for the remainder of the current year, and that during any vacancy or in the absence of the President, the senior Director shall be Vice-President for the time, and that such President or Vice-President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and that the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors; provided always, that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank and all instruments not under seal, whereby the said Bank can in any manner be bound, except the Cash Notes of the Bank, shall be signed by three Directors and shall be of no validity

unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names to the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors, such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not in any one year exceed 60,000 Rupees, without previous authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the Office of Secretary, Treasurer, Head Accountant or Khazanchee of the Bank of Bengal, shall engage in any other commercial business, either on his own account, or as Agent for any other person or persons, or act as a broker for the sale or purchase of Government Securities; and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty in the sum of 50,000 Rupees.

XXV. And it is hereby encated, that the said Bank of Bengal shall not be engaged in any kind of business except the kinds of business hereinafter specified, that is to say—

1. The Discounting of Negotiable Securities.
2. The keeping of Cash Accounts.
3. Buying and Selling of Bills of Exchange payable in India.
4. The lending of Money on short loans.
5. The Buying and Selling of Bullion.
6. The receiving of Deposits.
7. The issuing and circulating of Cash Notes and Bank Post Bills.
8. The selling of Property or Securities deposited in the Bank as security for loans, and not redeemed, or of property or securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security and make no loan

unless the amount of cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank, outstanding for the time being and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on mortgage, or in any other manner on the security of any Lands, Houses, or immovable property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual or partnership firm either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities, or Goods not perishable as hereinafter mentioned) beyond the amount of three lakhs of Company's Rupees; provided always that advances upon Bills of Exchange accepted by the Government, or upon other Government Obligations shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the section next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bengal, or on deposit of Goods, not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than seven lakhs and a half of Company's Rupees, provided always that the holding of Government Securities or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations derived to the said Bank from individuals and not overdue, shall not be construed as being in advance to the Government within the meaning of this section.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bengal shall not suffer any person or persons, or body corporate, keeping cash at the said Bank of Bengal, to overdraw his, her or their account.

XXXI. And it it is hereby enacted, that the said Bank of Bengal may issue Promissory Notes, payable either on demand or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf, provided always that the total amount of such Notes in circulation at any one time shall not exceed two crores of Rupees, and provided also that no such Note shall be for a smaller amount than ten Rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue or negotiate any Note, Bill or other instrument containing any promise, undertaking or order for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bengal to receive on deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor General of India in Council, and that the Governor General of India in Council shall at all times be entitled to require of the said Directors any information touching the affairs of the Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the profit of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the

Directors of the said Bank on the ground of the actual profits made by the said Bank during the six calendar months preceeding the day up to which such half yearly account shall be taken, provided that the said Directors, subject to the control and sanction of the Proprietors at their General Meeting, shall have power when they see fit to set apart from such profits a sum not exceeding five per cent. on the Capital Stock of the Bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a statement of the affairs of the said Bank, made up to the preceeding 30th of June, and such General Meeting shall be competant to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said Bank which shall be binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time, convene a General Meeting of the Proprietors, upon giving fifteen days previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the *Calcutta Gazette.*

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bengal, with the sanction of the Governor General of India in Council, to establish Branch Banks at such places, and under such rules and restrictions as shall be determined by the Proprietors at their General Meetings, provided however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank at Calcutta, shall be bound by the same rules as to the description of business in which they are to engage and the manner of conducting such business, and likewise in respect to the issue of notes

payable on demand and the retention of cash to meet the same, and in all transactions and matters herein above refered to, as are prescribed for the Bank of Bengal by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares of such Proprietor registered as his or her own property, and not as held in trust, or as executor, or administrator, until payment of such debt, and to apply such dividends towards payment thereof; and that after demand and default of payment and notice in that behalf given either to such Propietor, or his or her constitued agent, or by public advertisement in the *Calcutta Gazette*, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor, until payment of such debt; and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or to his or her lawful representative.

XL. And it is hereby enacted that the said Bank shall continue as hereby constituted until the 1st day of May, which will be in the year of our Lord, 1846, and shall thereafter continue in like manner until duly dissolved or modified, provided however that after the said 1st day of May, 1846, the said Bank shall not, except upon the application or by the consent of the Proprietors of the said Bank be dissolved, or any wise modified, without previous notice of twelve months at the least being given to the Directors of the said Bank for the time being of such intended dissolution or modification, provided also that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

MADRAS.—TAHSEELDARS.

ACT No. VII. OF 1839.

Passed on the 18th March, 1839.

1. *Repeals section 23, Reg. 28, 1802, and annuls all Commissions appointed under it.*
2. *Tahseeldars to exercise the same powers as Commissioner for sale of property for arrears of rent or revenue.*
3. *Tahseeldars to be subject to control of Collector &c.*
4. *Tahseeldars to be subject to same liabilities as under Reg. 9, 1822.*
5. *Tahseeldars not entitled to fee or commission on sale. Fees to be carried to account of Government.*
6. *Tahseeldars may delegate powers subject to order of Collector, &c.*

I. It is hereby enacted, that from the first day of May in the year of our Lord 1839, Section XXIII. of Regulation XXVIII. of 1802, of the Madras Code, shall be repealed, and all Commissions whereby Commissioners for the sale of distrained property may have been appointed under the provisions of that section, shall be annulled.

II. And it is hereby enacted, that from the said day all Tahseeldars within the territories subject to the presidency of Fort St. George, shall be vested with the powers of Commissioners, for the sale of property distrained for arrears of rent, or of revenue, and shall be subject to all rules and provisions to which by any Law or Regulation such Commissioners are subject.

III. Provided always, that in respect of the exercise of those powers, Tahseeldars shall be subject to the control and superintendence of the Collector, and shall not be subject to the authority of the Zillah Judge, except in the case of any judicial proceedings.

IV. Provided also, that Tahseeldars shall be subject to the same liabilities, in respect of the exercise of the said powers, to which they are subjected by Section X. Regulation IX. of 1822, of the Madras Code, in cases in which they conduct sales under the provisions of that Regulation.

V. Provided also, that Tahseeldars shall not be entitled to any fee or commission for selling such distrained property; but that

all fees or commission which may be now lawfully taken by Commissioners for the sale of such distrained property, shall be taken and carried to the account of Government.

VI. And it is hereby enacted, that Tahseeldars shall have authority, subject to the orders of the Collector, to delegate the powers vested in them by the second Section of this Act, to any public servants placed under their authority; and that the provisions of the three last preceding Sections of this Act, shall apply to all public servants to whom those powers shall have been so delegated, in the same manner as they apply to Tahseeldars.

BOMBAY.

ACT No. VIII. OF 1839.

[*Passed on the* 8*th April,* 1839.

Villages enumerated, having lapsed to Government, shall be subject to Acts and Regulations of Bombay Presidency.

I. It is hereby enacted, that the following Villages, lately comprising the Jagheer of Chinchnee, now lapsed to Government, shall, from the time of passing this Act, be subject to all Acts and Regulations which are or shall be in force within the Territories subject to the Presidency of Bombay, pergunnahs Gokak and Anwal.

The two following Villages of the Pergunnah Terdal, viz.—

1. Moja Sunkurhutee.
2. Moja Kowtkope.

The two following Villages of the Pergunnah Yadwad, viz.—

1. Moja Hoolkoond.
2. Moja Boodnee.

The two following Villages of the Pergunnah Gudee Kokutnoor.—

1. Moja Jhoonjurwad.
2. Moja Nundeshwur.

The Village of Moja Kutkeree, of the Pergunnah Utnee.
The Village of Moja Chikpudsulgee, of the Pergunnah Bidree.
The Village of Moja Oomruj, of the Pergunnah Burdole.

The four following Villages of the Prant Meruj, viz.—

1. Kusba Ashta, Kuryat Ashta.(a)
2. Moja Dhamnu. } Kurryat Tasgaon.
3. Moja Dhowlee. } Kurryat Tasgaon.
4. Moja Sumdolee,(a) Kurryat Sanglee.(a)

The four following Villages of the Prant Raibaug, viz.—

1. Thana Chinchnee. } Kurryat Nandre.
2. Moja Umnapoor. } Kurryat Nandre.
3. Kusba Eksumbe } Kurryat Eksumbe.
4. Moja Bhoj. } Kurryat Eksumbe.

The two following Villages of the Prant Punnala, viz.—

1. Moja Koondul (a) } Turf Valve.
2. Moja Poonudee.(a) } Turf Valve.

The Village of Ingulgee of the Koongol Pergunnah, within the Dharwar Collectorate.

The three following Villages of the Patoda Pergunnah, within the Amednuggur Collectorate.—

Moja Singnapoor.

Half of Moja Godegaon.

Half of Moja Kaslee.

The Village of Hoondee Goonda, of the Pergunnah of Terdal.

The Village of Moja Sooltanpoor, of the Pergunnah of Terdal.

BENGAL.—SUITS IN FORMA PAUPERIS.

ACT No. IX. OF 1839.

[*Passed on the* 15*th April*, 1839.

1. *No person to institute a suit in formâ pauperis, unless the Court is satisfied, by examination on oath &c. that there is probable cause for instituting the suit.*

2. *In all suits in formâ pauperis, defendant's pleadings may be on unstamped paper. Defendant may have copies on unstamped paper, and need not deposit Vakeel's fees. Stamps to be charged in costs of suit, when terminated.*

3. *This Act not to extend to H. M.'s Courts.*

I. It is hereby enacted, in addition to the Rules already in

(a) Repealed as to the above Villages by Act VI. of 1842.

force for instituting suits in formâ pauperis, that no person shall be hereafter entitled to institute any suit in formâ pauperis, in any Civil Court of Judicature within the Territories subject to the Presidency of Fort William in Bengal, unless the Court in which his petition may be presented shall, before granting such petition, be satisfied by the examination of the petitioner, or of his or her agents or witnesses, (which examination shall be taken on oath, or solemn affirmation in cases where a solemn affirmation may be received instead of an oath,) that there is probable cause for instituing the suit.

II. And it is hereby enacted, that in all suits instituted in formâ pauperis, the pleadings on the part of the defendant, as well as all papers filed on his part on which a stamp is required by Schedule B. of Regulation X. of 1829 of the Bengal Code, may be written on unstamped paper, and copies of orders or proceedings which the defendant may be required to take shall be furnished to him on unstamped paper, and the defendant shall not be required to deposit vakeel's fees; provided always, that on the conclusion of the suit the Court shall calculate the whole of the costs which would have been incurred by the defendant on account of stamp duties if the suit had not been instituted in formâ pauperis, and shall charge the same to the party cast, or to the parties respectively, in such proportions as may be deemed reasonable.

III. And it is hereby provided, that nothing in this Act contained shall be construed to extend to any suits instituted in formâ pauperis, in any of Her Majesty's Courts of Justice.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. X. OF 1839.

[*Passed on the* 15*th April,* 1839.

1. *Whoever in Strait's Settlements wages war against any ally or state at peace with the Indian Government, &c. shall be guilty of felony, and transported not exceeding* 14 *years, or imprisoned not exceeding* 10 *years.*

2. *Receivers of property taken from territories of allies, &c. shall be punished in like manner.*

I. It is hereby enacted, that whoever, within the Settlements of

Prince of Wales' Island, Singapore or Malacca, wages war against the Government of any Power in alliance or at peace with the Government of the Territories of the East India Company, or attempts to wage such war, or by instigation, conspiracy, or aid, knowingly abets the waging of such war, or makes, or by instigation, conspiracy, or aid in supplying or selling arms, equipments, or otherwise knowingly abets the making of any preparation to commit depredations on the Territories of any such Power, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour for any term not exceeding ten years.

II. And it is hereby enacted, that whoever, within the Settlements aforesaid, shall receive any property, such person knowing the same to have been taken from the Territories of any Power in alliance or at peace with the Government of the Territories of the East India Company in the prosecution of such war or depredation as aforesaid, shall be gulilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour, for any term not exceeding ten years.

INSTITUTION FEES ON APPEAL TO THE PRIVY COUNCIL.

ACT No. XI. OF 1839.

[*Passed on the* 22nd *April* 1839.

I. It is hereby enacted, that from the time of the passing of this Act, no Stamp Duty or Institution Fee shall be payable in respect of any proceeding in any Appeal, or in respect of any paper or copy of any paper necessary for any Appeal from any Court of the East India Company to her Majesty in Council.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. XII. OF 1839.(a)

[*Passed on the 29th April,* 1839.

1. *Repeals Regulation* 1, 1827, *of Governor in Council of Prince of Wales' Island.*

2, 3. *Assessment to be levied on Dwelling houses &c. not exceeding* 10 *per cent of annual value in George Town, Singapore and Malacca, or* 5 *per cent. on rent or value beyond those limits.*

4. *Exempts property of the annual value of less than Six Spanish Dollars.*

5. *Chief Civil Officer to fix limits of the said Towns.*

6. *Exempts Religious Edifices, Hospitals, Cemeteries &c.*

7. *Exempts Houses &c within Military Cantonment &c.*

8. *Imposes a tax on all Carriages, Carts, and Cattle in use in the Incorporated Settlement.*

9. *Chief Civil Officer to appoint Officers to collect assessment &c.*

10. *Prescribes the mode of enforcing payment by Distress and Sale of goods in case of default.*

11. *Gives the right of suing for arrear in any Court of Justice.*

12. *Gives the right of appeal in case of surcharge, exemption, &c.*

13. *Out of the Funds collected the streets are to be watched, cleansed, lighted, repaired &c. and roads and bridges made and repaired*

14., 15. *Collecting Officer every January to make a detailed statement of collections and disbursements, and same to be open to inspection and published in newspaper.*

16. *Officers to be under superintendence of Chief Civil Authority.*

17. *Palanquin Carriages, Carts and Vehicles to be registered, or in default owner to forfeit not exceeding* 20 *Spanish Dollars &c.*

18. *Assessments to be paid half yearly in advance.*

19. *Registered Vehicles to have a numbered Board.*

20. *If change of occupation takes place within the year after the assessment, levy may be made on property or on goods, &c. of occupier according to period of occupation.*

21. *Owner of house not let, shall be deemed occupier, but to have an abatement if premises unlet or unused for* 3 *months.*

22. *Assessment not to be invalidated by mistake in name of person assessed, or of property chargeable, or in amount of assessment, &c.*

I. It is hereby enacted, that from the first day of January in the year of Our Lord 1840, Regulation I, of 1827, passed by the Gover-

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(a) See Act XII. 1840, which is entitled An Act for extending Act XII. 1839, to grounds not covered with houses or buildings.

nor in Council of Prince of Wales' Island, Singapore and Malacca, shall be repealed.

II. And it is hereby enacted, that from the day aforesaid an Assessment shall be levied on all Dwelling Houses, and other buildings within the limits of the Towns of George Town, Singapore and Malacca, according to the real annual values thereof, at a rate not exceeding ten per cent. of such annual values.

III. And it is hereby enacted, that from the day aforesaid an Assessment shall be levied on all property of the nature described in the foregoing Section, but which shall be situated beyond the limits of the aforesaid Towns of George Town, Singapore, and Malacca, at a rate not exceeding five per cent. on the annual rent or value thereof.

IV. Provided always, that any property which would be subject to Assessment as aforesaid, of which the real annual value shall be less than Six Spanish Dollars, shall be exempted from such assessment, if it be the sole assessable property of the owner.

V. And it is hereby enacted, that it shall be competent to the Chief Civil Officer in authority, within the incorporated Settlement of Prince of Wales' Island, Singapore, and Malacca, to fix the limits of the aforesaid Towns in order to the determination of the rates of Assessment leviable under this Act.

VI. And it is hereby enacted, that all Religious Edifices, Hospitals, Cemeteries, and Buildings strictly and exclusively appropriated to charitable purposes, shall be exempted from Assessment under this Act.

VII. And it is hereby enacted, that all Houses, Bungalows and other Buildings situated within the limits of any Military Cantonment, and occupied by European or Native Officers, Soldiers, or Sepoys, shall be exempted from Assessment.

VIII. And it is hereby enacted, that a Tax shall be levied on all Carriages, Carts, and Cattle in use within the incorporated Settlement of Prince of Wales' Island, Singapore and Malacca, at the following rates :

On every four-wheeled Carriage, Spanish Dollars 10 per annum.

On every two-wheeled Carriage, Spanish Dollars 8 per annum.

On every Cart drawn by any description of Draught Cattle, Spanish Dollars 6 per annum.

On every Horse, Mare, Gelding, Pony, or Mule, Spanish Dollars 2 per annum.

IX. And it is hereby enacted, that the Chief Civil Officer in authority in the Straits, under instruction from the Governor of Bengal, shall have power to appoint such Officers as may be deemed requisite for the collection of the Assesment and Taxes leviable under this Act at the Stations of Prince of Wales' Island, Singapore, and Malacca, and the Officers so appointed shall, in the execution of their duty, be subject to the same responsibility as would attach to them if they were employed in the collection of the Land Revenue.

X. And it is hereby enacted, that if payment of the aforesaid Assessment and Taxes be not duly made, the Officers appointed to collect the same shall certify in writing such non-payment to any Justice of the Peace, who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his warrant for distraining the amount on any Goods and Chattels, to whomsoever belonging, in or upon the Dwelling Houses, and other Buildings respectively charged, or for distraining any person charged by his Goods and Chattels, or both, and for selling every such distress ; and the overplus, after deducting the expenses, shall be paid to the owner of the Goods and Chattels distrained.

XI. Provided always, that it shall be competent to the Officer appointed to collect the aforesaid Assessment and Taxes in lieu of proceeding against defaulters by warrant of distress, to sue for the recovery of arrears through any Court of Justice to which defaulters may be amenable.

XII. Provided also, that if any party, from whom payment of the Assessment or Taxes leviable under this Act may have been demanded, objects to the demand, either on the ground of surcharge or by reason of claims to the exemption or abatement under any of the foregoing provisions, it shall be competent to such party, after payment of the amount demanded, to appeal against such demand to the Justices of the Peace sitting in General Quarter Ses-

sions at the Station where such party resides, and the said Justices shall have power to hear and decide on such Appeal and to pass such order thereon as may seem just.

XIII. And it is hereby enacted, that out of the Funds collected from the Assessment and Taxes leviable under this Act, provision shall be made, in conformity with such instructions as may from time to time be issued by the Governor of Bengal, for the efficient watching, cleansing, lighting, and repairing of the Streets and Thoroughfares in the Towns of George Town, Singapore, and Malacca, and for the making and repairing of Roads and Bridges and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated Settlement aforesaid.

XIV. And it is hereby enacted, that as soon after the 1st day of January in each year as may be found practicable, the Officer collecting the Assessment and Taxes under this Act at each of the three Stations of Prince of Wales' Island, Singapore, and Malacca, shall prepare a detailed Statement, exhibiting the sums collected under the several heads of Cesses and Taxes during the preceding year, and showing also the disbursements which have been made during the same period on account of the various purposes enumerated in this Act.

XV. And it is hereby enacted, that the Statement prepared in the manner aforesaid, and duly attested by such Officer as last mentioned, shall be published at the Station to which it relates in a Newspaper; and if such Station have no Newspaper the publication shall be made in some other Newspaper of extensive circulation, published within the incorporated Settlement of Prince of Wales' Island, Singapore, and Malacca. And the said Statement shall also be open to general inspection at the Office of such Officer, for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the Officers appointed to collect the Assessment and Taxes leviable under this Act shall, in the conduct of their duties, be subject to the general superintendence and control of the Chief Civil Authority residing in the aforesaid incorporated Settlement.

XVII. And it is hereby enacted, that the Officer superintending the Police at each of the Stations of Prince of Wales' Island,

Singapore, and Malacca, between the 1st and 15th day of January in each year, shall require the owners of all Palanquin Carriages, Carts, and other vehicles, kept in such Station for the purpose of being let to hire for the conveyance of passengers or goods to enter such vehicles in a Register to be kept for that purpose at the Police Office; and every owner of a Palanquin Carriage, Cart, or other vehicle subject to such Registration, who shall omit to enter such vehicle at the Police Office, in the manner required by this Act, shall, on conviction before a Justice of the Peace, forfeit for each offence a sum not exceeding 20 Spanish Dollars, with costs of suit, which forfeiture shall on non-payment be recoverable by Warrant of distress and sale under the hand of the convicting Justice of the Peace, and the overplus of the goods and chattels sold, after deducting the expences, shall be paid to such owner.

XVIII. And it is hereby enacted, that the Assessment and Taxes leviable under this Act shall be paid half-yearly in advance, and that the said Assessment shall be charged on the Dwelling Houses and other Buildings respectively assessed, and on the respective owners and occupiers thereof, at the time of such Assessment, and that the said Taxes shall be charged on the owners of the respective Cattle, Carriages, Carts, or other vehicles subject to such Taxes.

XIX. And it is hereby enacted, that every owner of a registered vehicle who shall neglect to place in a conspicuous part of such vehicle a numbered board which shall be furnished to him by the Registering Officer, shall, on conviction before a Magistrate, forfeit the sum of 5 Spanish Dollars for each offence, with costs of suit.

XX. And it is hereby enacted, that when any change in the occupation of any Dwelling House, or other Building assessed, shall take place within the year after such Assessment as aforesaid, then such Assessment may be levied in manner aforesaid as well upon the Dwelling House or other Building respectively charged, as upon the goods and chattels of the occupiers thereof, according to their respective periods of occupation without any new Assessment.

XXI. And it is hereby enacted, that the owner of any Dwelling House, or other Building assessed, which is not let to any tenant, shall be deemed the occupier thereof, provided always that if such

owner can shew that the premises have not been inhabited or used for a period of three months or upwards in any year, he shall be entitled to a proportionate abatement of Assessment levied on the same for the said year.

XXII. And it is hereby enacted, that no Assessment or Charge made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to Assessment or Tax, or of anything chargeable with assessment or Tax, or any mistake in the amount of the Assessment or Tax charged, provided the directions of this Act be in substance and effect complied with.

MADRAS.—PORT DUTIES.

ACT No. XIII. OF 1839.

[*Passed on the 20th May,* 1839.

1. 2. *Consolidates and commutes into a Port duty, the Anchorage, Light-house and other charges, and substitutes a duty of* 3 *annas and* 3 *annas* 6 *pie per ton on vessels &c. according to their nation, and measurement-tonnage.*

3 *Vessels not breaking bulk and not remaining* 4 *days to pay reduced duties.*

4. *Applies all previous powers, penalties, &c. to the provisions of this Act.*

5. 6. *Government of India may order the consolidation and commutation of Port and Harbour dues at subordinate ports, into tonnage duties, at rates specified, being lower than the Madras rates.*

7. *Consolidated duty to be levied by Officer appointed to give Port Clearance. Port Clearance may be withheld till duty is paid.*

8. *Extends to Consolidated Duty at subordinate Ports, all powers, penalties, &c. applicable to previous duties*

I. It is hereby enacted, that the several charges of the port and roadstead of Madras, levied under the heads of Anchorage duty, Light-House duty, Regular Boat-hire and Report Catamaran-hire, shall, from and after the first day of August next, be consolidated and commuted into a Port duty, to be levied at the rate of three Annas per Ton upon every Vessel not being a Vessel sailing under the colour of a Foreign, European, or American nation, of which the Tonnage shall not exceed 700 tons by measurement made in the manner prescribed by Act 5 and 6 of William IV. Cap. LVI. and if the vessel exceed 700 tons by measurement so made, the Port duty shall be levied as upon that tonnage.

II. And it is hereby enacted, that upon every vessel sailing under the colors of a Foreign European or American nation, that may anchor in the Port of Madras, there shall be levied a consolidated Port duty at the rate of 3 annas 6 pie per ton, according to measurement made in the manner above prescribed.

III. And it is hereby enacted, that if any vessels, British, Native or Foreign, anchoring in the Port of Madras, shall not break bulk therein, and shall not remain four complete days from the time of dropping anchor, there shall be levied upon such vessels reduced duties as follows: that is to say, two-fifths of the tonnage duty prescribed above shall be levied upon every vessel which, without breaking bulk, shall, after anchoring therein, sail again out of the Port within forty-eight hours, and seven-tenths upon every vessel which, without breaking bulk, shall stay more than forty-eight hours and less than four complete days.

IV. And it is hereby enacted, that all powers and authorities, penalties and other means whereby the payment of any of the charges of the Port and Roadstead of Madras may have been legally enforced before the passing of this Act, shall be applicable to the enforcing of the consolidated and commuted Port duties imposed by virtue of this Act.

V. And it is hereby enacted, that it shall be lawful for the Government of India to order the consolidation and commutation of any Port or Harbour duties, as levied in any subordinate Port of any Presidency, into a Tonnage duty, which shall be leviable at the rate and in the manner specified in the next following Section of this Act, upon the vessels anchoring in and trading with such Port.

VI. And it is hereby enacted, that when the Governor General of India in Council, shall direct the Port duties to be commuted and consolidated at any Port of the Madras Presidency, other than that of Madras, or at any subordinate Port of any other Presidency, the total amount levied at such Port shall not exceed one anna per ton for British and Native vessels not exceeding 700 tons, and upon vessels exceeding that measurement at the rate for 700 tons, and upon Foreign European and American vessels, at the rate of one anna four pie per ton; and all vessels anchoring in any such outports shall be charged with reduced duty, in the proportions above provided for the Port of Madras, if they leave such Port

without breaking bulk before completing four entire days from the time of anchoring therein.

VII. And it is hereby enacted, that the consolidated and commuted Port duties above prescribed, when ordered to be levied in any Port by the Governor General of India in Council, shall be levied by the Officer appointed by the Government of the Presidency within which the Port is situate to give Port Clearances or other customary documents to vessels sailing from such Port, that is to say, by the Master Attendant, or by the Collector of Customs at such Port, as may be ordered by such Government, and if such duties be not paid upon demand, it shall be competent to such Officer to withhold from the vessel on account of which payment may be refused, any Port Clearance or other customary document required to be possessed by ships leaving such Port until the same shall be paid.

VIII. And it is hereby enacted, that all the powers and authorities, penalties and other means by which any Port or Harbour duty of any subordinate Port of any Presidency which shall be consolidated and commuted by virtue of this Act may have been legally enforced before the consolidation and commutation thereof as hereinbefore provided, shall be applicable to the enforcing of the consolidated and commuted duties at such Port imposed by virtue of this Act.

EMIGRATION.

ACT No. XIV. OF 1839.(a)

Passed on the 27th May 1839.

I. It is hereby enacted, that Acts No. XXXII. of 1837 and No. V of 1837 be repealed on the first day of July next.

II. And it is hereby enacted, that on and after the said first day of July next, every person who shall make with any Native of India any contract for labour to be performed in any British or Foreign Colony without the Territories of the East India Company, or who shall knowingly abet or aid any Native of India in emigrating from the said Territories for the purpose of being employed as a laborer, shall be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding 200 Rupees for every

(a) Repealed by Act 15, 1842.

Native so contracted with, aided or abetted, and in default of payment of such fine, shall be liable to be imprisoned for a term not exceeding three months.

III. Provided always, that nothing in this Act contained shall be taken to apply to any Native Seaman who shall of his own free will contract to navigate any vessel, or who shall embark on board such vessel in pursuance of such contract, or to any person who shall contract to serve as a Menial Servant only or who shall embark as such Menial Servant.

MADRAS.—CUSTOMS.—SUGAR.

ACT No. XV. OF 1839.

[*Passed on the* 10*th June*, 1839.

1. *Foreign Sugar or Sugar the growth of any British possession into which Foreign Sugar can be imported, landed or attempted to be landed, shall be confiscated. But Sugar the growth of Bengal &c. may be landed as heretofore.*

2, 3. *Any person in possession of Sugar the growth of the Madras territories, desirous of obtaining a Certificate of origin, shall make and subscribe Declaration in form A. before the proper Officer. Such Officer shall grant Certificate in form B.*

4, 5. *Person intending to ship Sugar may produce before mentioned Certificate, and make and subscribe Declaration in form C. before proper Officer. Such Officer shall give Certificate in form D.*

6. *Any person knowingly in any such Declaration affirming an untruth shall be fined not exceeding* 5000 *Rupees, and imprisoned not exceeding* 2 *years.*

7. *Act to come into operation at the expiration of one year after passing.*

Schedule, A. B. C. D.

1. And it is hereby enacted, that if any person on or after the day on which this Act will come into operation, as hereinafter provided, lands, or attempts to land(*a*) in any part of the Territories subject to the Government of the Presidency of Fort St. George, any Foreign Sugar, or any Sugar which is the growth of any British possession into which Foreign Sugar can be legally imported, such Sugar shall be seized and confiscated by the Collector of the Customs or by any other Officer thereunto authorized by the Governor in Council of the said Presidency, provided always, that Sugar which is the growth of any part of the Presidency of Fort

(*a*) By Act 12, 1842, the prohibition and penalties of this Act against landing or attempting to land, are extended to any other mode of importation.

William in Bengal, into which Foreign Sugar, and Sugar which is the growth of any British possession into which Foreign Sugar may be legally imported are prohibited from being landed, may, during such prohibition, be landed in the said Territories as heretofore.

II. And it is hereby enacted, that if any person being in possession of Sugar, the produce of the said Territories, desires to obtain a Certificate of origin from the Collector or Assistant Collector of the Land or Custom Revenue of any district within the said Territories, or from any other Officer appointed by the Governor in Council of Fort St. George to give such Certificates, such person shall, in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a Declaration in the form contained in the Schedule hereunto annexed, marked A.

III. And it is hereby enacted, that the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a Certificate in the form contained in the Schedule hereunto annexed, marked B.

IV. And it is hereby enacted, that every person who intends to ship Sugar from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place or to any other Officer who may have been appointed by the Governor in Council of Fort St. George, to act on such occasion instead of the Collector of Customs, a Certificate such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate, to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed, marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a declaration in the last mentioned form shall have been so made and subscribed, shall grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed, marked D.

VI. And it is hereby enacted, that any person who shall, in making any Declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by

fine to an amount not exceeding 5,000 Rupees, and imprisonment, with or without hard labour, for a term not exceeding two years

VII. And it is hereby enacted, that this Act shall come into operation at the expiration of one year after the passing of this Act.

SCHEDULES.

A.

I, A. B. solemnly declare that all the Sugar hereinunder described is, to the best of my knowledge and belief, the produce of this district of

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number and denomination of Packages.

The——day of 18 . (Signed) A. B.

B.

I, C. D. Collector of Land Revenue (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council of Fort St. George to act in this behalf) for this district of ———, do hereby grant this Certificate under my hand and seal, that the Sugar hereinunder described is of the produce of this district of ———, and that the importation of Foreign Sugar, and of Sugar the growth of any British possession into which Foreign Sugar can be legally imported, is prohibited in the said district of ——

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number & denomination of the Packages.	Name of the Declarant on whose declaration the certificate is given.

L. S. (Signed) C. D.

C.

I, E. F. Shipper of the Sugar hereinunder described, solemnly declare that all the Sugar hereinunder described, is, to the best of my knowledge and belief, the same Sugar to which the Certificate now produced by me relates.

Description of the Sugar to which the Declaration relates.

Quantity.	Quality.	Number & denomination of Packages.	Name of Ship in which the Sugar is Shipped or to be Shipped.	Name of the Master of the Ship.

(Sined) E. F.

D.

I, G. H. Collector of Customs (or being an Officer appointed by the Governor in Council of Fort St. George to act in this behalf) for the port of ——, certify, under my hand and seal, that there has been produced to me by E. F., the shipper of the Sugar hereinunder described, a Certificate under the hand and seal of C. D., Collector of Land Revenue, (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council of St. George to act in this behalf) for the District of —— in the Territories subject to the Government of the Presidency of Madras, which Certificate Certifies that the said Sugar is the produce of the said District, and that the importation of Foreign Sugar, or Sugar the growth of any British Possession into which Foreign Sugar can be legally imported, is prohibited in the said District.

Description of the Sugar to which this Certificate relates.

Quantity.	Quality.	Number and denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.

L. S. (Signed) G. H.

PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.

ACT No. XVI. OF 1839.

[*Passed on the* 10*th June,* 1839.

1. *Rules for regulating the Assessment and Collection of Rents payable to Government.*

2. *Land held not under a registered title from Government, and not declared free, shall be liable to assessment.*

3. *Collector may eject person holding land in manner aforesaid, if he refuse either to remove, or to engage for the land on requirement of Collector.*

4. *Magistrates, &c. to assist Collector in enforcing the power above given. Persons resisting, to be fined not exceeding* 1000 *Rupees, and in default of payment to be imprisoned not exceeding six months.*

5. *Collector may measure and assess and grant lease of waste and forest land, to persons desirous of clearing and occupying &c. What to be done in case jungle is too dense &c. to measure. Lease not to be granted for term exceeding* 20 *years; renewable on new terms for* 30 *years.*

6 *Collector may require applicant to set up good and solid landmarks by which the boundaries may be defined. Lease not to take effect until landmarks have been set up. Persons removing or defacing landmarks to be fined &c. as specified in 4th Section.*

7. *Applications for land for longer term than 20 years, renewable for 30, to be forwarded to the Governor of Bengal.*

8. *Leases to be signed by the Collector; lease shall specify leaseholder's name, quantity, boundaries and rent; which particulars are to be registered.*

9. *Leases may be surrendered, for the purpose of having new one in subdivisional parcels of same property.*

10. (1.) *Rent to be paid at the Collector's Office &c.*

(2.) *When rent is in arrear, Collector shall demand payment in writing within 15 days, by notice, stating amount due, and that it will be recovered with costs under this Act.*

(3.) *Notice to be served on the occupier, at his place of residence, or by being stuck up on the premises.*

(4.) *One Rupee to be charged for service of Notice.*

(5.) *If arrears are not paid, the Collector may issue attachment against personal property, effects and crops of defaulter, and after 5 days may sell same.*

(6.) *Attachment to be made by Officer specially deputed. Mode of making the attachment*

(7.) *Two rupees to be paid for attachment whether sale takes place or not.*

(8.) *If arrear not realized by above means, the land itself may be sold.*

(9.) *Manner in which land shall be brought to Sale. Sale to be advertized by Notice in Collector's Office and in Court of Justice. Sale to be by Public Auction, in presence of Collector, to highest bidder. Surplus, after payment of arrears with interest at 12 per cent and costs, to be paid to defaulter. Collector to make Title to Purchaser, and put him in possession. and to notify the result &c. Person offering cancelled lease, &c. to be fined not exceeding 500 Rupees, and in default of payment imprisoned not exceeding 4 months. Persons resisting sale to be fined 1,000 Rupees and in default of payment imprisoned not exceeding six months.*

(10.) *Collector shall deduct from proceeds of sale 2 Rupees for advertisement and one per cent for expense of sale.*

(11.) *Any person interested in the property may prevent sale by payment of arrears of rent, with interest and expenses.*

(12.) *The Summary process to apply only to arrears which have accrued within one year.*

(13. 14.) *Any person who disputes the justice of the demand or attachment may, at any time before sale, state his objection to the Collector, and afterward may petition any Civil Court of competent jurisdiction for redress, and the sale meanwhile shall be stayed. Party petitioning must pay arrear, interest and costs into Court, or give Security.*

11. (1. 2.) *In case of mutation of title, by act of party or by succession, the transferree shall apply at the Collector's Office, with the original title, and the deed of transfer or other new title, whereupon the change of title shall be registered.*

(3.) *No change of title shall be registered until the Collector has ascertained that the boundaries are defined by proper landmarks. Registered owner to*

maintain landmarks, or in default to pay three times the cost of making or repairing them. Officers of Government to have free access to inspect landmarks, &c.

(4.) *Establishes Registry Fee of four rupees; one rupee to be paid for inspecting Register, and two for certified extract from Register.*

(5.) *Registry not to be proof of change of title. No deed to be valid unless it is registered.*

I. It is hereby enacted, that from the first day of January, in the year of our Lord 1840, the following Rules shall be in force for regulating the assessment and collection of the rents payable to Government in the Settlements of Prince of Wales' Island, Singapore and Malacca.

II. And it is hereby enacted, that if any person, except as is provided in the last Section of this Act, shall hold or occupy any land within any of the Settlements aforesaid, not under a grant or title from Government duly registered, and which land has not been declared by competent authority free from assessment, such land shall be liable to assessment, and shall be assessed in such manner, at such rate, and under such conditions, as the Collector acting under the instructions of the Governor of Bengal shall determine.

III. And it is hereby enacted, that if any person holding or occupying land in the manner set forth in the preceding Section, shall refuse to engage for or to remove from the land within one month from the date on which he shall be called upon by the Collector to enter into such engagement, or so to remove from it, by written notice to be served personally, or at the residence of the owner or occupier, or to be stuck up on the premises, it shall be lawful for the said Collector to eject such person from the land so held or occupied, and to take and hold possession of the same on the part of Government, to be disposed of in such manner as the Governor of Bengal may direct. Provided that no person so holding or occupying land who has filed or shall file his claim to exemption from assessment thereon before the day and year aforesaid, shall be liable to be so called upon by the Collector until his claim shall have been determined by competent authority.

IV. And it is hereby enacted, that all Magistrates and Police Officers shall aid and assist the Collector and his Officers in the due exercise of the power of ejectment conferred upon the said

Collector by the foregoing Section, and any holder or occupier of land who shall resist or cause to be resisted the exercise of the said power, and any person who shall be aiding and abetting in such resistance, shall, on conviction before a Magistrate, be punished by fine not exceeding 1,000 Rupees, or, in default of payment of the fine, by imprisonment not exceeding six months.

V. And it is hereby enacted, that after the date on which this Act shall be in force in the Settlements aforesaid, any person desirous of clearing and occupying waste and forest lands for the purposes of agriculture, shall make application to the Collector of Land Revenue, who is hereby authorized to measure and assess the land, and to grant a lease for the same, in such manner, and under such conditions, as the Governor of Bengal may from time to time prescribe. And if, by reason of the density of the jungle or other obstacles, it should be found impracticable to cause immediate measurement to be made of land so to be leased, it shall be competent to the Collector to issue to such applicant a permit or written authority, of which the number, date, and all essential particulars shall be entered in a Register to be kept for that purpose, to clear and occupy such land, subject to the conditions on which a lease would have been granted. And on all land occupied under any such permit so issued, it shall be lawful for the Collector to demand and enforce the payment of rent in like manner as if a regular lease had been granted. And the Collector shall, with all practicable despatch, cause all land so occupied to be measured, and after such measurement the permit shall be called in and cancelled, and in lieu thereof a lease shall be issued, the term of which shall commence from the date of the permit. Provided, however, that it shall not be competent to a Collector to grant any lease of lands for a term exceeding twenty years, renewable on such conditions as the Governor of Bengal may direct for a further period of thirty years.

VI. And it is hereby enacted, that upon granting any lease under the Provisions of the foregoing section, the Collector shall require the applicant to set up good and solid landmarks by which the boundaries of the ground to be occupied by him shall be plainly defined; and such landmarks shall be set up to the satisfaction of the Collector to be Certified by him on the back or other

part of the lease, before the lease shall take effect, and it shall be a condition in every lease so granted that the lessee is to maintain all such landmarks in substantial repair. And if it shall be proved to the satisfaction of the Collector, that, notwithstanding this condition, such landmarks have not been kept in good repair, it shall be competent to the Collector to cause the proper repairs to be made, and to levy three times the cost of such repairs from the holder or occupier of the land, the amount to be levied by the process provided for the collection of rents. And the Collector or his Officers shall at all times have the right of free access to such land for the purpose of inspecting and directing the construction or repair of the landmarks; and any person resisting them in the exercise of this right, or removing or defacing any landmark set up in conformity with the provisions of this Act, shall be punished in the manner provided in the IV. Section of this Act.

VII. And it is hereby enacted, that all applications to hold or occupy lands for a term exceeding that specified in Section V., for the purpose of erecting houses or other durable works on such lands beyond the limits of the principal towns in the Settlements aforesaid, shall be forwarded by the Collector to the Governor of Bengal, who will grant or reject such applications as in his judgment may seem fit.

VIII. And it is hereby enacted, that every lease granted under the Provisions of this Act shall be signed by the Collector for the time being, and shall specify the name of the lease-holder, the quantity and boundaries of the land included in the lease, and the rate of rent to be paid per acre per annum; which particulars, together with any other conditions material to the rights of Government, and of the party obtaining the lease, shall be entered in a Register to be kept in the Collector's Office for that purpose.

IX. And it is hereby enacted, that it shall be lawful for the Collector to accept on the part of Government, any surrender of a grant or lease by the parties interested in the same for the purpose of subdividing the same, and to re-grant or lease the same in parcels. Provided that no such subdivision shall be allowed unless all arrears of rent, under the original grant or lease, are paid up, and provided that on no one portion of a grant or lease so subdivided, shall a less rent than one rupee per annum be leviable.

X. *Clause First.*—And it is hereby enacted, that whenever the rent of any grant or lease, from Government of land within any of the Settlements aforesaid shall fall due, payment thereof shall be made by the holder or occupier of the land at the Office of the Collector, or to such person as shall be authorized to receive the same, and on failure of such payment, the same may be recovered in the manner following.

Clause Second.—When an arrear of rent shall have become due, the Collector shall demand payment of it by a notice of demand, in writing, stating the amount of the arrear, and requiring payment of the same within fifteen days from the date of the service of the notice, and stating that in default of payment within the period specified, the amount of the arrear due, together with the costs of process, will be recovered under the powers of this Act.

Clause Third.—The notice of demand shall be served by the delivery thereof to any holder or occupier of the land, or by being left at his ordinary place of residence, or by being stuck up on the premises.

Clause Fourth.—For the service of the aforesaid notice one Rupee shall be charged, and shall be leviable, if not paid on demand, in the same manner as arrears of rent.

Clause Fifth.—Whenever an arrear of rent shall be demanded in the manner above prescribed, and shall not be discharged, it shall be lawful for the Collector to issue an attachment, and to seize, by virtue of such attachment, as well the personal property of the holder or occupier as also any effects or any crops to whomsoever belonging which may be found upon the land on account of which the arrear may be due, and to bring the same to sale by public auction at the Collector's Office or elsewhere, five days previous notice of such sale being stuck up at some conspicuous spot, and at the place where it is intended to bring the crop or other property to sale.

Clause Sixth.—The attachment shall be made by an Officer deputed for the purpose, who shall publicly notify the attachment, and shall set his seal on any property attached, and take an inventory thereof; and it shall be competent to the said Officer to require the assistance of the Police in case of resistance to his au-

thority, or of any attempt to remove the crops or other property from the premises, or otherwise to defeat the process.

Clause Seventh.—For an attachment made in pursuance of the foregoing rules, whether a sale shall actually take place or not, two Rupees shall be charged, and shall be leviable, if not paid on demand, by the sale of a portion of the attached property.

Clause Eighth.—If an arrear of rent, due as foresaid, cannot be recovered in manner aforesaid, and the arrear shall not be discharged within six months from the date of the notice of demand prescribed by the Second Clause of this Section, it shall be lawful for the Collector to bring to sale the land on account of which the arrear shall have been demanded, in the manner following.

Clause Ninth.—An advertisement shall be stuck up for not less than twenty days before the sale, in the Collector's Office, and in a Court of Justice situated near to the land, specifying the description of the land, the name of the defaulter, the amount of the arrear, the time and place of the intended sale, and the conditions thereof. The sale shall be conducted by Public Auction, in the presence of the Collector, the highest bidder shall be declared the purchaser, and the proceeds of the sale, after deducting the arrear originally due to Government, with interest thereon at 12 per cent. per annum, and any further arrear that may have accrued up to the day of sale, together with the costs incurred by the sale, or other lawful process, shall be paid over to the party or parties entitled. On payment of the purchase money, the purchaser shall receive from the Collector a title-deed corresponding in quality and conditions with the original grant or lease, and bearing on it all material specifications relating to the quantity and situation of the land, its boundaries, the rent demandable, the date from which its payment is to commence, and other necessary particulars; and the Collector shall forthwith put the purchaser in possession of the land so transferred, requiring for that purpose the aid of the Police, if needful The Collector shall notify in the most public manner the result of the sale, the conveyance of the title and right, which were of the defaulter to the purchaser, and the cancelment of the original grant or lease, together with all leases, incumbrances or other interests derived therefrom. And any person wilfully and with fraudulent intent offering for sale, transfer, mortgage, or

otherwise making use of any such grant or lease, or of any lease, incumbrance or other interest derived therefrom, and which shall have been so declared to be cancelled, shall, on conviction before a Magistrate, be punished by a fine not exceeding five hundred Rupees, or in default of payment of such fine, by imprisonment not exceeding four months. And any person resisting or obstructing the Collector or the Officers acting under his orders, whilst placing the purchaser in possession of land so sold for arrears of rent, shall be punished in the manner provided in Section IV. of this Act.

Clause Tenth.—It shall be lawful for the Collector before the payment of any surplus to deduct as part of the costs incurred by the sale two Rupees for the advertisement, and one per cent. on the net proceeds of the sale authorized by the foregoing Clause, to be carried to be credit of Government, for the purpose of meeting the expense of carrying the sale into effect.

Clause Eleventh.—Any person having an interest in any property liable to be sold as aforesaid, shall at any time previous to the sale thereof be enabled to prevent such sale by payment of the rent in arrear, together with interest and all legal expenses incurred to the Collector, who, upon such payment, shall desist from and withdraw all legal proceedings.

Clause Twelfth.—Provided, that the summary process authorised by any of the Clauses of this Section shall be held applicable only to arrears of rent which have become due within the period of one year prior to the execution of such process.

Clause Thirteenth.—Any person served with a notice of demand, or whose crop or personal property may have been seized under an attachment issued in manner aforesaid, who may dispute the justness of such demand or attachment, shall be at liberty, at any time before the sale of his crop or personal property, or, in the event of the land being advertised for sale, at any time, before the sale thereof, to represent his objections to such demand, attachment or sale, to the Collector; and if the Collector shall, notwithstanding such objections, adhere to the demand, attachment, or sale, it shall be lawful for the said person to apply by petition for redress to any Civil Court competent to take cognizance of his complaint; and the Court, after hearing the Col-

-lector's answer, and making such further inquiry as may be necessary, during which the sale of any such crop, property, or land shall be stayed, shall pass judgment either for enforcing or staying the demand, and shall adjudge the costs and charges of the suit, or such portion thereof as may be just and proper, to be paid by the party cast.

Clause Fourteenth.—Provided, that in the case mentioned in the last Clause, no sale of crops, or of personal property, or of land, shall be stayed, unless the party disputing the justice of the demand or attachment shall, on presenting his petition to the Civil Court, deposit therein, or at the Collector's Office, the whole amount of the arrears of rent demanded, together with interest, and legal expenses incurred, or unless such party shall give substantial security to the satisfaction of the Civil Court for making good the award that may be ultimately passed in the case.*

XI. *Clause First.*—And it is hereby enacted, that all mutations by act of party or by succession in titles to land, taking place after the first day of January in the year of our Lord 1840, shall be registered under the following rules.

Clause Second.—The party claiming by right of transfer or succession shall attend at the Collector's Office, either in person, or by his constituted agent, and shall make application for registering the mutation, producing the original grant or lease, together with the bill of sale or other deed of transfer, which must be made out in the English language, and according to a form which will be found in the Collector's Office, or, in case of successions, the Probate or Letters of Administration, together with the Original Will, if any or a Copy thereof, after which, notice of the mutation shall be registered, the date and other particulars of the transaction being entered in the Register in a clear and distinct form.

Clause Third.—No mutations of title to lands shall be registered until the Collector shall have satisfied himself that the boundaries of the lands have been distinctly defined by convenient and substantial landmarks. The parties whose title to lands may be so registered are required to maintain the landmarks laid down in a state of good and sufficient repair, so that they may be at all times available for the purpose of accurate ascertainment of the limits of each occupancy, and every holder or occupier of such

lands, wilfully neglecting to maintain such landmarks in a sound and serviceable condition, shall forfeit a sum equal to three times the cost of the erection or repairs which may become necessary in consequence of such default, and which shall be undertaken by the Collector: the amount of the forfeiture to be levied in like manner as rents are to be collected under the provisions of this Act. And the holders or occupiers of such lands are required to admit free access to the same by the Officers of Government for the purpose of inspecting the landmarks, and of measuring and laying down boundaries, and any holder or occupier of land, or other persons who shall obstruct or resist such Officers, shall be liable to the penalties prescribed in Section IV. of this Act.

Clause Fourth.—It shall be lawful for the Collector to demand and receive on the part of Government, a fee to meet the charges attending the registry, of four Rupees, and of one Rupee for inspecting the Register, and of two Rupees for granting a Certified Extract from the Register.

Clause Fifth.—The Registry of a mutation shall not of itself be taken to convey or establish any legal title to land, nor shall it be held to corroborate, qualify or bar any rights which may come to be questioned judicially. But no deed whatsoever for the sale or transfer of land, which may be executed after the first day of January in the year of our lord 1840, shall be admitted to be valid by the Officers of Government, or be received in evidence as a legal instrument by any Court of Judicature, unless the same shall have been registered in the Collector's Office in the manner directed by this Section, nor shall any Probate or Letters of Administration be received as evidence of title to land until so registered.

XII. And it is hereby provided, that nothing in this Act contained shall apply to such cultivators and resident tenants of Malacca as hold their lands by prescription, subject only to a payment to Government of one tenth part of the produce thereof, whether such payment be made in kind or in the form of a sum of money received by the Government in commutation of the payment in kind.

POST OFFICE ACT.

ACT No. XVII. OF 1839.

[*Passed on the* 1*st July,* 1839.

Modifies so much of Sections, 6 *and* 14 *of Act* 17, 1837, *as fixes Postage Duties according to Schedules A. and B. and empowers the Governor General of India in Council to alter but not increase them.*

It is hereby enacted, in modification of so much of Sections VI. and XIV. of Act No. XVII of 1837, as provides that Postage Duties shall be levied at the rates set forth in Schedules A. and B. appended to the said Act, that it shall be competent to the Governor General of India in Council, by an order and notice to be published in the Government Gazettes of the several Presidencies of India, to authorize the levy of Postage Duties at rates different from those severally specified in the Schedules A. and B. annexed to Act XVII. 1837, and to publish revised Schedules from time to time to give effect to such modifications; provided always there be no increase made thereby in any particular of the rates prescribed in the said Schedules A. and B.; and likewise to fix the time when the levy shall commence to be made at such modified rates, and to cancel or modify any order or notice so issued by further similar order and notice, and the said revised Schedules of rates shall, for so long as may be so ordered and notified, be of the same effect and validity as the Schedules annexed to the said Act.

THUGGEE.

ACT No. XVIII. OF 1839.

[*Passed on the* 15*th July,* 1839.

Person accused of murder by Thuggee, or of unlawfully receiving or buying property stolen or plundered by Thuggee, may be tried in any Zillah.

It is hereby enacted, that any person accused of the offence of murder by Thuggee, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Thuggee, may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that

Court sits, any thing contained in any Regulation or Regulations to the contrary notwithstanding. (a)

BOMBAY.—CRIMINAL TRIALS.

ACT No. XIX. OF 1839.

[*Passed on the 22d July*, 1839.

Modifies Clause 5, *Section* 13, *Regulation* 13, 1827. *Not necessary to refer to the Sudder Foujdaree Adawlut, cases in which the convict is liable to more than two years' imprisonment.*

It is hereby enacted, in modification of Clause 5th Section XIII. of Regulation XIII. of 1827, of the Bombay Code, that all sentences passed by an Assistant Session Judge whereby a convict is liable to imprisonment for a period exceeding two years shall, before they are carried into execution, be confirmed by the Session Judge, whose powers and proceedings in respect of any such case shall be the same as are laid down for the guidance of the Sudder Foujdaree Adawlut in Clause 2nd of the Section and Regulation aforesaid, and it shall not be necessary to refer any such case to the Sudder Foujdaree Adawlut.

BOMBAY.—REVENUE.

ACT No. XX. OF 1839.

[*Passed on the 29th July*, 1839.

1. *Governor of Bombay may prohibit the levy of hucks and fees and customs by holders of rent-free lands or other persons, and of alienated shares of revenue after its abolition.*

2. *Legalizes past orders of Governor. Future orders under this Act not to be questioned in Court of Law.*

3. *Any person levying huck, fee, customs, or revenue, after order to abolish, shall be punishable as for undue exaction under Regulation* 17, 1827.

I. It is hereby declared and enacted, that it shall be lawful for

(a) By whom persons so accused may be committed, see Act No. 18 of 1837. By Act 24, 1843, the above provision is extended to persons concern- in the perpetration of dacoity,

the Governor in Council of Bombay to issue orders prohibiting the the levy of Hucks and fees of every description, and customs, whether by land or sea, enjoyed by holders of rent-free lands or other persons, and of alienated shares of any item of revenue after the abolition or relinquishment thereof by Government.

II. And it is hereby enacted, that the legality of any orders which may have been heretofore issued or of any orders which conformably with this Act hereafter shall be issued by the Governor in Council of Bombay for prohibiting the levy of any such Hucks, or fees, customs, or alienated shares of any such item of revenue as aforesaid, shall not be questioned in any Court of Law.

III. And is is hereby enacted, that whoever shall levy any such Huck, fee, customs, or item of revenue after any such order prohibiting the same as aforesaid shall have been published in the Government Gazette of the Presidency of Bombay, and by notice fixed at the post or place at which it has heretofore been claimed, or collected, shall be punishable as for an undue exaction under Regulation XVII. of 1827, Section 16, of the Bombay Code, notwithstanding the offender be not a Revenue Officer of Government

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CALCUTTA AND RIVER HOOGHLY.

ACT No. XXI. OF 1839.(a)

[*Passed on the 26th August,* 1839.

1. *Annuls the authority of Justices of the Peace to sentence for felonies under any Bye-Law for Calcutta, and repeals an ordinance passed 26th July,* 1814, *registered in Supreme Court 11th November, same year.*
2. *Justice of Peace may try persons for simple larceny, if property does not exceed* 20 *Rupees.*
3. *But Justice of Peace shall not Sentence to more than six months imprisonment.*
4. *Justice of Peace may send such simple larcenies for trial to the Supreme Court.*
5. *Form of Judgment to be used by Justices of Peace in cases of simple larceny.*

(a) Extended by Act 3, 1842, to several cases of petty theft not being petty larcenies.

6. *Justice of Peace once every term, and oftener if required, to return his judgments and depositions and examinations to the Supreme Court.*

7. *Justice of Peace to have witnesses sworn &c. and to have depositions reduced into writing.*

8. *Persons refusing to attend or be examined before Justice of Peace, shall be punished by Supreme Court.*

9. *Justice of Peace may order restitution of stolen property, and impose a fine in case his order for restitution is not complied with, and may imprison in default of payment of the fine.*

10. *Persons charged with commission of assault or battery on the Hooghly or the mouths thereof, may be tried by Justice of Peace and fined not exceeding* 100 *Rupees.*

11. *Saves the right to a Certiorari.*

An Act for the trial of prisoners charged with the commission of certain petty offences in the Town of Calcutta and on the River Hooghly.

I. Whereas it is expedient to make further provision in regard to such charges of felony as have been usually determined by Justices of the Peace, under the authority of the Bye-Laws for the Town of Calcutta; by preventing, as far as is consistent with the attainment of justice, and delay of trial, or inconvenience to prosecutors, witnesses and jurymen; by limiting the powers heretofore exercised by such Justices; and by subjecting their proceedings upon convictions for felony to more regular control and revision: and whereas it is also expedient to provide the like remedy in cases of assaults committed in certain parts of the River Hooghly without the limits of the Town of Calcutta as hath been provided in cases of assaults committed within such limits;

It is, therefore, hereby enacted, that it shall not be lawful for any Justices or Justice of the Peace to sentence any person charged with the commission of any felony within the Town of Calcutta, or with the possession of stolen property within the same Town, by virtue of any Bye-Law for the Town of Calcutta, or by virtue of such Bye-Law and under Act IV. of 1835, or otherwise than according to the Provisions of this Act; and the sixth Section of a certain Rule Ordinance and Regulation entitled a Rule Ordinance and Regulation for the good order and Civil Government of the Settlement of Fort William in Bengal, passed in Council on the 26th day of July in the year of our Lord 1814, and Registered in

the Supreme Court on the 11th day of November in the same year, is hereby repealed.

II. And it is hereby declared and enacted, that all persons charged with the commission of simple larceny within the Town of Calcutta may be tried by any Justice of the Peace for the said Town, provided the value of the property which the prisoner is charged with having stolen does not, according to the belief of such Justice, exceed twenty rupees.

III. And it is hereby provided, that such Justice of the Peace shall not have power to sentence any such person to be imprisoned with or without hard labour for a longer period than six calendar months, or to be transported.

IV. And it is hereby provided, that it shall be lawful for any Justice of the Peace before whom any person is charged with the commission of any simple larceny, at his discretion, instead of trying such person himself, to commit such person for trial before Her Majesty's Supreme Court of Justice in Calcutta.

V. And it is hereby enacted, that every such Justice, after trying any offender charged with the commission of a simple larceny, shall cause his judgment to be drawn up in the following form of words or in such other form of words to the same effect as the case shall require, that is to say:

Be it remembered that on the——day of———in the year of our Lord———at Calcutta, A. B. is (acquitted, or convicted) before me J. P. a Justice of the Peace for the Town of Calcutta, on a charge of simple larceny, for that he the said A. B. did feloniously (here specify the alleged offence and the time and place when and where the same was committed, as the case may be) and I the said, J. P. believe the value of the property stolen to amount to a sum not exceeding twenty rupees, that is to say ——rupees, and I the said J. P. adjudge the said A. B. (here state that the prisoner is to be discharged, or the punishment he is to suffer, as the case may be.)

Given under my hand, the day and year first above named.

(Signed.) ———.

VI. And it is hereby enacted, that once at least in every Term, and oftener if required by Her Majesty's Supreme Court of Justice

at Calcutta, every such Justice shall transmit to Her Majesty's said Supreme Court of Justice all judgments whether of acquittal or conviction passed by him, together with the depositions and examinations of the witnesses and prisoners, there to be kept by the proper officer among the records of the Court.

VII. And it is hereby enacted, that upon the trial of any prisoner for simple larceny as aforesaid, every such Justice of the Peace shall require the witnesses against and on behalf of the prisoner to be sworn or to make solemn affirmation in cases where an affirmation is by law permitted in the place of an oath, and shall cause the depositions of the witnesses and the examination of the prisoner to be reduced into writing, and every such deposition and examination shall be signed by such Justice.

VIII. And it is hereby enacted, that upon the trial of any person charged with the commission of simple larceny before any such Justice of the Peace as aforesaid, if any person being duly summoned by such Justice shall refuse to attend as a witness, or to give evidence, he shall be liable to be punished by Her Majesty's Supreme Court of Justice at Calcutta in like manner as if he had refused to attend as a witness or to give evidence before Her Majesty's said Supreme Court of Justice.

IX. And it is hereby enacted, that upon any conviction for simple larceny as aforesaid, the Justice of the Peace before whom any person shall be so committed shall have power to order the restitution of the property stolen, if forthcoming, to the owner or his representative, and in case of its not being restored pursuant to such order, to impose on any person refusing or neglecting to restore the same a fine not exceeding twenty rupees, and in default of payment to adjudge the person guilty of such neglect or refusal to be imprisoned for the space of one calendar month unless the property be sooner restored.

X. And it is hereby enacted, that all persons charged with the commission of any assault or battery on board of any Merchant Ship employed on Sea Voyages, in the River Hoogly, or the mouths thereof, being part of the Territories of the East India Company, may be tried before any such Justice of the Peace, and on conviction shall be liable to be punished by a fine not exceeding one hundred

rupees, to be levied and enforced in manner provided by Act II. of 1839. And all the Provisions of this Act made in the case of charges of simple larceny shall, as far as they are applicable, be applied in the case of such charges of assault or battery as aforesaid.

XI. And it is hereby declared, that nothing in this Act contained shall be construed to affect the remedy of any person aggrieved by the conviction of any Justice of the Peace through the means of the Writ of Certiorari.

PRISONERS' COUNSEL ACT.

ACT No. XXII. OF 1839.

Passed on the 9th September, 1839.

1. *Recites the expediency of extending to India the provisions of 6 and 7 William 4, Chapter 114, (The Prisoners' Counsel Act) and enacts that all persons tried in any of Her Majesty's Courts may make full answer and defence by Counsel.*
2. *Enacts the like in cases of summary conviction by Magistrate within the limits of Her Majesty's Supreme Courts.*
3. *All persons held to bail or committed to prison, entitled to have copies of depositions on payment of a reasonable sum for them: but they must be demanded before the commencement of the Sessions.*
4. *All persons under trial are entitled at time of trial to inspect, without fee, all depositions taken against them.*

An Act for enabling persons charged with offences to make their defence more effectually.

I. Whereas it is expedient to extend to the territories under the Government of the East India Company, the provisions of the statute 6th and 7th William IV. Chapter CXIV.

It is therefore hereby enacted, that all persons tried for any offence in any of Her Majestys Courts of Justice shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the law, or by Attorney in Her Majestys Courts of Justice where Attorneys may practise as Counsel.

II. And it is hereby declared and enacted, that in all cases of summary conviction by a Magistrate or Justice of the Peace, ex-

ercising jurisdiction within the limits of any of Her Majesty's Supreme Courts, persons accused are and shall be admitted to make their full answer and defence and to have all witnesses examined and cross-examined by Counsel or Attorney.

III. And it is hereby enacted, that all persons who after the passing of this Act shall be held to bail, or committed to prison, for any offence against the law for which they are to be tried before any of Her Majestys Courts of Justice, shall be entitled to require and have on demand (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same) Copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, to be fixed by such Courts respectively. Provided always, that if such demand shall not be made before the day appointed for the commencment of the Sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Judge at such trial shall be of opinion that sucb copy may be made and delivered without delay or inconvenience to snch trial; but it shall nevertheless be competent to such Judge, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

IV. And it is hereby enacted, that all persons under trial in any of Her Majesty's Courts of Justice shall be entitled, at the time of their trial to inspect, without fee or reward, all depositions or Copies thereof which have been taken against them, and returned into the Court before which such trial shall be had.

COURTS MARTIAL.

ACT No. XXIII. OF 1839.

[*Passed on the 23rd September,* 1839.

In all cases in which Court Martial may sentence Soldiers of the Native Army to dismissal, such Soldier may be sentenced to be imprisoned not exceeding two years, if sentenced by General Court Martial; not exceeding six months if sentenced by Regimental or Detachment Court Martial, and after imprisonment, such Soldier may be dismissed.

An Act for authorizing sentences of Imprisonment with or without Hard Labor by Courts Martial in certain cases.

It is hereby declared and enacted, that in all cases in which, by a General Order of the Governor General of India in Council dated the 24th of February in the year of our Lord 1835, it is made competent for Courts Martial to sentence soldiers of the Native Army in the service of the East India Company to the punishment of dismissal from such service, it is and shall be lawful to sentence such soldiers to be imprisoned with or without hard labor for any period not exceeding two years, if the sentence be pronounced by a General Court Martial, or not exceeding one year if the sentence be pronounced by a Garrison or Line Court Martial, or not exceeding six months if the sentence be pronounced by a Regimental or Detachment Court Martial. And every soldier so sentenced to imprisonment with hard labor for any period whatever, or to imprisonment without hard labor for any period exceeding six months, shall, after confirmation of his sentence, be dismissed from such service. Provided always, that all sentences under this Act pronounced by any Court Martial inferior to a General Court Martial, shall require the confirmation of the General or other Officer Commanding the Division or Field Force to which the person convicted belongs. (*a*)

(*a*) By Act No. 2 of 1840, it is made the duty of the Judge, Magistrate, Sheriff or other Officer in charge of any gaol to give effect to such sentence, on the offender being delivered into his custody, with a copy of the sentence.

GANJAM AND VIZAGAPATAM.

ACT No. XXIV. OF 1839.

Passed on the 2d October, 1839.

1. *Repeals Act* 23 *of* 1836.

2. *Annuls the Rules for the Administration of Civil and Criminal Justice and the Collection of the Revenue in parts of the above districts.*

3. *Administration of Civil and Criminal Justice, &c. vested in the Collectors of those Districts, as Agents to the Governor of Fort St. George.*

4. *Governor in Council may prescribe Rules for the guidance of such Agent, and determine in what case an Appeal shall lie to the Fouzdaree Adawlut.*

5. *Gives the Fouzdaree Adawlut jurisdiction to decide cases so sent up to it.*

6. *Appeals from Agents to be tried in same manner as Appeals from Provincial Court.*

7. *Agents may commit by Warrant subject to Regulations. Commitment must be reported to the Governor in Council.*

8. *Governor in Council with consent of the Governor General in Council may alter the Tract of Jurisdiction under this Act within the aforesaid Districts.*

An Act for the Administration of Justice and Collection of the Revenue in certain parts of the Districts of Ganjam and Vizagapatam.

I. It is hereby enacted, that from the first day of December, 1839 Act. XXIII of 1836 shall be repealed.

II. And it is hereby enacted, that from and after the said first day of December 1839 the operation of the Rules for the Administration of Civil and Criminal Justice, as well as those for the collection of the Revenue, shall cease to have effect, except as hereinafter mentioned, within the undermentioned tracts of country at present included in the districts of Ganjam and Vizagapatam.

In the District of Ganjam.	*In the District of Vizagapatam.*
Zemindaries.	Ancient Zemindaries.
Pauloor	Vazeanagur.
Hoomanah.	Bobelly.

In the District of Ganjam.

Zemindaries,

Becridee.
Khullicottah.
Pratapagery.
Mohery.
Vizeyanagur.
Hautghur.
Bramnorchee,
Chegatee.
Mundasa.
Soorunghi.
Jaradah.
Jaluntra.
Boodara Singhy.
Dharacotah.
Badagodah.
Sareghur.
Turlah.
Purlah Khinedy.

Aumany Estates.

Goomsur.
Sooradah.
Askah.
Pornary.
Coorlaw.

In the District of Vizagapatam.

Hill Zemindaries.

Jayapoor.
Coorpam.
Sungumirulsah.
Chamadoo.
Panchepentah.
Andra.
Saroapully Bhomararum.
Saloor.
Mandoogole.
Belgam.
Maringhy.

Under Aumany.

Paleondah.
Golcondah.

III. And it is hereby enacted, that the Administration of Civil and Criminal justice (including the superintendence of the Police) and the collection and superintendence of the Revenues of every description, within the tracts of country specified in the foregoing Section which are now included in the District of Ganjam, shall be vested in the Collector of Ganjam, and within those which are now included in the District of Vizagapatam, in the Collector of Vizagapatam, and shall be exercised by them respectively as Agents to the Governor of Fort St. George.

IV. And it is hereby enacted, that is shall be competent to the Governor in Council of Fort St. George, by an order in Council,

to prescribe such rules as he may deem proper for the guidance of such Agents, and of all the Officers subordinate to their control and authority, and to determine to what extent the decision of the Agents in Civil suits shall be final, and in what Suits an appeal shall be to the Sudder Adawlut, and to define the authority to be exercised by the Agents in Criminal Trials, and what cases he shall submit for the decision of the Fouzdaree Adawlut.

V. And it is hereby enacted, that upon the receipt of any Criminal trials referred by either of the Agents under the Rules which may be hereafter prescribed by the Governor in Council, the Fouzdaree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Judge on Circuit.

VI. And it is hereby enacted, that upon the receipt of any appeal from a decree of either of the Agents, under the rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as appeals from the Provincial Courts.

VII. And it is hereby enacted, that each of such Agents as aforesaid shall have the power of making Commitments by Warrant under his hand, which is possessed by the Governor of Fort St. George in Council by virtue of Regulation II. of 1819, of the Madras Code, provided that the third, fourth, fifth, sixth, and seventh Sections of that Regulation shall remain in force and be applicable to Commitments under this Act. Provided also, that in every case in which either of such Agents shall make any such Commitment, he shall transmit immediately a report to the Governor in Council of Fort St. George for his orders.

VIII. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to make, from time to time, with the previous sanction of the Governor General of India in Council, such alterations in the limits of the Tracts within the aforesaid Districts placed under the jurisdiction of the said Agents respectively, as he may deem expedient.

BOMBAY.—COLLECTOR-MAGISTRATES.

ACT No. XXV. OF 1839.

[*Passed on the 25th November*, 1839.

Repeals Regulation 4, 1831, clause 4, Section 11, and clause 3, Section 27 of Regulation 16, 1827; clause 4, Section 16, Regulation 17, 1827; clause 2, Section 8, Regulation 12, 1827, so far as they relate to the penal jurisdiction of Collectors as Magistrates. Offences specified in the said sections shall be cognizable by Magistrates, Assistant Magistrates, &c.

An Act for the Presidency of Bombay, limiting the powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain cases.

It is hereby enacted, that Regulation IV. of 1831, be repealed, and that Clause 4, Section XI. and Clause 3, Section XXVII. of Regulation XVI. of 1827; Clause 4, Section XVI. of Regulation XVII. of 1827; and Clause 2, Section VIII. of Regulation XII. of 1827, of the Bombay Code, so far as they relate to the penal jurisdiction of Collectors as Magistrates, be repealed. Provided always, that the offences specified in the said Sections, viz. Sections XI and XXVII. of Regulation XVI. of 1827; Section XVI. of Regulation XVII. of 1827, and Section VIII. of Regulation XII. of 1827, shall be cognizable by Magistrates and Assistant Magistrates under the general powers which are or hereafter may be vested in them by the Acts and Regulations applicable to the Bombay Presidency.

BENGAL.—PUBLIC OFFICERS.

ACT No. XXVI. OF 1839.

[*Passed on the 2d December*, 1839.

1. *Repeals such parts of Section 10, Regulation 5, 1793; and of Section 10, Regulation 4, 1803 as relate to charges of corruption: also Section 8, Regulation 6, 1793; Section 8, Regulation 5, 1803; clauses 9, 10, 11 and such other parts of Section 9, Regulation 13, 1793 as relate to Covenanted Servants; Section 4 and all the following Sections of Regulation 8, 1806, also Regulation 10, 1806, except so much thereof as relates to security &c. required; also Regulation 17, 1813; Regulation 8, 1817 and Sections 5, 6 of Regulation 8, 1825, and all parts of Regulations extending the same.*

2. *If Court of Sudder Dewanny Adawlut, or Nizamut Adawlut, or Sudder Board of Revenue, or Board of Customs, Salt and Opium see substantial grounds for making a formal inquiry into truth of charge of official misconduct in any Officer not removable without the sanction of Government, they shall propose articles for investigation to be submitted to Government of Bengal &c.*

3. *Any such charge may be made direct to the said Courts or Boards, who shall examine the complainant upon oath, &c. and require the accused to explain or reply, &c.*

4. *And such charge may also be made before Judge, Magistrate, &c. for misconduct committed within their jurisdiction, who shall examine the complainant &c. and transmit the deposition to the said Courts or Boards respectively as the case may, &c.*

5. *The said Courts or Boards shall not act upon such charge unless the person preferring the same shall make oath or affirmation that he believes the facts to be true.*

6. *The said Courts and Boards respectively may dismiss any such charge, and submit the same as provided in Section 2 of this Act.*

7. *The said Courts and Boards may require the person preferring charge to give security for his attendance and for due prosecution thereof.*

8. *If matters affecting any Officer appear in the course of proceedings before the said Courts or Boards, they may institute inquiry for the purpose of referring the same to the Governor of Bengal &c.*

9. *If the Governor of Bengal &c. upon such reference shall concur with the authority making the reference, or if he deem it necessary to institute proceedings against Officer he shall appoint a Commissioner.*

10. *Commissioner to be guided by instructions from Governor of Bengal &c, as to whether he is to act under the control of any other authority.*

11. *The Commissioner shall take the following Oath. Form of Oath.*

12. *Governor &c. to determine whether the conduct of the prosecution shall be left to the accuser or be undertaken on the part of Government.*

13. *Commissioner after receiving plaint &c. shall call upon the accused for his reply: shall examine witnesses and receive documentary evidence &c.*

14. *Commissioner under this Act to be vested with same powers as Zillah and City Courts, except that all compulsory process shall be served through the Zillah or City Judge.*

15. *At the close of the evidence the accused and accuser may record observations in support of their respective cases.*

16. *Commissioner to transmit proceedings to Government, with his opinion of the merits of the case.*

17. *The Governor &c. may, upon consideration of the Report of Commissioner, direct him to take further evidence, or give further explanation of his opinion &c.*

18. *The Court or Board to which any report of a Commission may be submitted &c. shall finally submit the whole of the proceedings with their opinion, to the Government.*

19. *When special Commission is appointed, the Governor &c. shall determine whether the accused shall be suspended, and, if so, whether he shall draw the allowances of his office.*

20. *The Governor &c. will pass such decision as he deems most just, and if he deems it proper, may order accused to be brought to a public trial.*

21. *This Act not to repeal provisions contained in Section 26 Regulation 5, 1831 and Section 25 Regulation 9, 1833, respecting dismissal &c. of Principal and other Sudder Ameens and Deputy Collectors. Governor may appoint Commissioner to inquire respecting alleged official misconduct of those Officers.*

An Act for regulating inquiries into the truth of matters implicating the public conduct of Officers not removable without the sanction of Government within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to consolidate the enactments contained in the Regulations concerning inquiries into the truth of matters implicating the public conduct of European Officers, and to amend the same in various particulars, and to extend the same to all Officers not removable without the sanction of Government: It is hereby enacted, that such parts of Section 10, Regulation V. of 1793, and of Section 10, Regulation IV. of 1803 as relate to charges of corruption;

Section 8, Regulation VI. of 1793;

Section 8, Regulation V. of 1803;

Clauses 9, 10, and 11, and such other parts of Section 9, Regulation XIII. of 1793 as relate to Covenanted Servants of the Company;—

Clauses 9, 10, and 11, and such other parts of Section 12, Regulation XII. of 1803, as relate to Covenanted Servants of the Company;—

Section 4 and all the following Sections of Regulation VIII. of 1806;

Regulation X. of 1806, excepting so much of Section 10 of that Regulation as relates to Security required from persons preferring charges against Hindoo or Mahomedan Law Officers, or Native Ministerial Officers of Courts;

Regulation XVII. of 1813;

Regulation VIII. of 1817;

And Sections 5 and 6 of Regulation VIII. of 1825; of the Bengal Code;

Together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, whenever either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Boards of Revenue, or the Board of Customs, Salt and Opium, shall be of opinion that substantial grounds exist for making a regular and formal inquiry into the truth of any imputation of Official misconduct affecting any officer subject to their control respectively, and not removable without the sanction of Government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges reduced to distinct articles which they may propose to be made the subject of a regular investigation, to the Governor of Bengal, or to the Lieutenant Governor of the North Western Provinces, or to any functionary exercising the authority of Government in the North Western Provinces as the case may be, according to the authority to which they may be subject, for his consideration and orders.

III. And it is hereby enacted, that any charge or information, of the description aforesaid, may be preferred direct to either of the Courts of Sudder Dewanny and Nizamut Adawlut, either of the Sudder Boards of Revenue, or the Board of Customs, Salt and Opium, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and require the party accused to explain or reply to any matters they may deem to need explanation and make such further inquiries, upon oath or affirmation upon the subject as they may judge proper.

IV. And it is hereby enacted, that any charge or information may also be made before any Judge, Magistrate, Commissioner of Revenue, or Collector, for any acts of the description before mentioned committed within their jurisdiction, respectively, who shall examine the complainant circumstantally upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and shall transmit the deposition so taken to the Sudder Dewanny and Nizamut Adawlut, the Sudder Board of Revenue, or the Board

of Customs, Salt and Opium according as the person accused may be subject to those Authorities respectively.

V. And it is hereby provided, that it shall not be lawful for the Courts of Sudder Dewanny and Nizamut Adawlut, or the said Boards, respectively, to act upon any such charge or information, unless the person preferring the same shall make oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And it is hereby provided, that it shall be lawful for the Courts of Sudder Dewanny and Nizamut Adawlut, and for the said Boards, respectively, to dismiss any such charge or information, where they do not see any substantial reason for entering further into the inquiry. Provided, that on every occasion when they shall dismiss any such charge or information, they shall submit the same, together with all the circumstances of the case, in like manner as is provided in Section II. of this Act.

VII. And it is hereby provided, that the said Courts of Sudder Dewanny and Nizamut Adawlut, and the said Boards, respectively, may, at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable that he will attend and prosecute the charge to a conclusion, and in the event of security being so required all proceedings shall be stayed until the same shall be furnished accordingly.

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid affecting such Officer as is mentioned in the second Section of this act shall appear in the course of any proceedings, whether preliminary or otherwise, which shall come before or be reported to either of the Courts of Sudder Dewanny and Nizamut Adawlut, or any of the said Boards, respectively, those authorities shall act upon such matter, or institute such inquiry upon oath or affirmation as aforesaid into the same as they shall deem proper for the purpose of such reference as aforesaid to the Governor of Bengal, or to the Lieutenant-Governor of the North Western Provinces, or to the Authority exercising the powers of Government in those Provinces as aforesaid, although no charge

or information be preferred as aforesaid; and in such cases it shall not be necessary, before acting upon or instituting any inquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And it is hereby enacted, that if the Governor of Bengal or the Lieutenant-Governor of the North Western Provinces, or the Authority exercising the powers of Government in those Provinces as aforesaid, upon such reference as is mentioned in the second Section of this Act, shall concur with the Authority by which it may be submitted, or if such Governor or Lieutenant Governor or Authority exercising the powers of Government shall, from information of the description aforesaid that may be laid before him in respect to such Officers as aforesaid not directly subject to the Courts or Boards above named, deem it necessary to institute proceedings against any such Officers, he shall appoint a Commissioner or Commissioners for making a regular and formal inquiry into the truth of the matters referred.

X. And it is hereby enacted, that on the appointment of every such Commission, the said Governor, or Lieutenant Governor, or Authority exercising the powers of Government in the North Western Provinces, shall direct whether the Commission shall be placed under the control of any of the Authorities aforesaid, or shall act immediately under the authority of Government, and all Commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the Government to which they may be respectively subordinate.

XI. And it is hereby enacted, that the Commissioner or Commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following oath:—

I, A. B., Commissioner for the purpose of (here state the object of the Commission) do solemnly swear that I will faithfully and impartially perform the duty committed to me without fear, favor, or bias, to the best of my ability, knowledge, and judgment; so help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a special Commission, the said Governor, or Lieutenant-Governor, or Authority exercising the

powers of Government in the North Western Provinces, will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the said Governor, or Lieutenant-Governor, or Authority exercising the powers of Government in the North Western Provinces, will nominate such person or persons as may be deemed proper, to conduct the prosecution on behalf of Government.

XIII. And it is hereby enacted, that it shall be the duty of Commissioners appointed under this Regulation, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused; to receive any further written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

XIV. And it is hereby enacted, that for the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a Commission under this Regulation, such Commission shall be vested with the same powers as are exercised by the Zillah and City Courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through the Zillah or City Judge in whose Jurisdiction the Commission may be held, and executed by the Zillah or City Judge in whose jurisdiction the witness or other person upon whom the process is to be served may reside.

XV. And it is hereby enacted, that on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observations upon the result of the inquiry which he may think necessary for the vindication of his conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

XVI. And it is hereby enacted, that as soon after the conclusion of the proceedings as circumstances shall permit, the Commissioner or Commissioners shall, when the Commission shall be instructed to act immediately under the authority of Government, submit directly to the Government, to which he or they may be subordinate, and in other cases to the Controlling Court or Board, the proceedings under the Commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor, Lieutenant Governor, or Authority exercising the powers of Government in the North Western Provinces, or the Controlling Court or Board, upon consideration of the report of any such Commision as aforesaid, to direct the Commissioner or Commissioners to take further evidence, or to give further explanation of his or their opinion or opinions connected with the case investigated, and the Commissioner or Commissioners are authorized and required to take such further evidence, and to give such further explanation.

XVIII. And it is hereby enacted, that the Sudder Dewanny and Nizamut Adawlut, or the Board to which any report of a Commissioner or Commissioners may be submitted as aforesaid, after due consideration of the same, and after obtaining such further evidence or explanations as they may require, shall submit the whole of the proceedings and documents received by them to the Government to which they may be subordinate, together with their opinion whether any and what charges have been established against the accused.

XIX. And it is hereby provided, that whenever a special Commission may be appointed under the Provisions of this Act, the said Governor, or Lieutenant Governor, or Authority exercising the powers of Government in the North Western Provinces will determine, on a view of the nature and circumstances of the case, whether the accused Officer shall be suspended from the discharge of the functions of his office, and if so, whether he shall be permitted to draw the established allowances of his office or otherwise.

XX. And it is hereby provided, that the Governor, or Lieuten-

ant-Governor, or Authority exercising the powers of Government in the North Western Provinces, on consideration of the report and proceedings submitted to him, in pursuance of Sections XVI. and XVIII. of this Act, will pass such decision on the case as may appear to him most consonant to the principles of justice, and consistent with the powers possessed by Goverment in matters of this description; and in the event of his deeming it necessary that the party accused should be brought to trial, by a public prosecution before a competent Court of Law, will issue the necessary instructions for that purpose to the law Officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any public Officer will be at all times at liberty to seek redress according to the ordinary forms prescribed by Law.

XXI. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions respecting the dismissal and suspension of Principal and other Sudder Ameens contained in Section XXVI. of Regulation V. of 1831, or the provisions respecting the dismissal of Deputy Collectors contained in Section XXV. of Regulation IX. of 1833. Provided always, that it shall be lawful for the Governor of Bengal, or the Lieutenant Governor of the North Western Provinces, or the Authority exercising the powers of Government in these Provinces, respectively, upon any such reference as is mentioned in Section XXVI. of Regulation V. of 1831, and Section XXV. of Regulation IX. of 1833, at his discretion, to appoint a Commissioner or Commissioners for making such regular and formal inquiry touching imputations of official misconduct affecting any Principal or other Sudder Ameen or any Deputy Collector as he shall think fit, in manner as is directed by this Act, and subject to its provisions.

CALCUTTA.—COURT OF REQUESTS.

ACT No. XXVII. OF 1839.

[*Passed on the 16th December, 1839.*

If the Defendant in any suit in any Court of the Zillah of the 24 Pergunnahs retire within the jurisdiction of the Court of Requests, that Court may execute the Decree, if Decree is for a cause of action which would have been originally cognizable by such Court.

An Act for authorizing the Court of Requests for the Town of Calcutta to execute decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24 Pergunnahs in certain cases.

Whereas execution of the decrees of the Courts of Justice of the Zillah of the 24 Pergunnahs is often defeated by the parties against whom the same have been obtained absconding from the limits of the said Zillah into the Town of Calcutta; and whereas by Regulation XVI. of 1812, of the Bengal Code, provision is made, where the like inconvenience occurs by parties absconding from the Town of Calcutta into the said Zillah, for the Judge of the said Zillah enforcing the Judgments of the Court of Requests of the Town of Calcutta:

It is hereby enacted, that if the defendant in any suit decided by any Court of Justice of the Zillah of the 24 Pergunnahs the Plaintiff in which shall have obtained a decree, shall retire before execution of the same into the jurisdiction of the Court of Requests, that Court, upon receiving a written application from the Judge of Dewanny Adawlut, of the Zillah of the 24 Pergunnahs, setting forth the above circumstances, and accompanied by a copy of the decree duly authenticated, is hereby authorized and directed to proceed to execute the said decree in the mode prescribed for the execution of judgments obtained in the Court of Requests, and on payment of the like costs as are demanded for the execution of such judgments in ordinary cases. Provided always, that nothing in this Act contained shall be held to authorize the said Court of Requests to execute any decree, except the cause of action in respect of which such decree was obtained were such that if it had occurred within the local jurisdiction of the said Court it would have been cognizable by the same.

BOMBAY.—BUILDING ACT.

ACT No. XXVIII. OF 1839.

Passed on the 16th December, 1839.

1. *Repeals the first twelve articles of Regulation 3, 1812, and the 18th, 25th, and all following articles of the same Regulation; also the 1st, 2nd, 5th and 7th, articles of Regulation 3, 1815.*

2. *Persons intending to build within 25 feet of any public road, &c., shall, before commencing, obtain from Collector a Certificate of the ground intended to be used, and from the Surveyor an indorsement on such Certificate of the nature of the work intended.*

3. *Surveyor shall indorse the Certificate, if he is satisfied that the intended building, &c. are in compliance with the provisions of this Act, &c. Person aggrieved by the withholding of indorsement may appeal to Petty Sessions.*

4. *Deviation from original plan not to be allowed, without sanction of Surveyor, &c.*

5. *Building, &c. commenced without certificate, or contrary to, offender shall be fined not exceeding 500 Rupees.*

6. *Whoever shall alter certificate without sanction of Collector, &c., or alter indorsement, &c., shall be fined not exceeding 500 Rupees, or imprisoned not exceeding 4 calendar months.*

7. *No building within Bombay, shall be erected higher than 50 feet from surface of street to the roof.*

8. *No cudjans, or other inflammable material shall be used in external roof or walls, &c. Offenders to be fined not exceeding 500 Rupees.*

9. *No building shall be erected so as to destroy, injure, &c. the water-courses or drainage of the Island. Surveyor may give notice to discontinue works injurious, &c. to water courses, &c. and thereupon such work shall be discontinued. Party aggrieved may appeal to Petty Sessions. Persons not discontinuing such works shall be fined not exceeding 500 Rupees.*

10. *In case the Petty Sessions deem any works will destroy, &c., any of the water-courses or drainage, it shall order their discontinuance and removal, &c. Owner, &c., not obeying such order shall be fined not exceeding 500 Rupees, and work shall be removed by Surveyor.*

11. *Surveyor may give notice to discontinue work and remove buildings which are not according to the provisions of this Act: And if notice is not complied with, the offender shall be fined not exceeding 500 Rupees. Surveyor may cause work to be removed, and may sell the materials. Party aggrieved may appeal to Petty Sessions.*

12. *Person rebuilding any building of which any part is within 25 feet of any public road, &c., shall if required carry it back, and be entitled to compensation.*

13. *What shall be a rebuilding within the meaning of the last Section.*

14. *If steps project into any public road, &c., the part covered by such steps shall not be considered as given up under this Act.*

15. *Petty Sessions with sanction of Governor may require any ground to be given up for purpose of widening, &c., any public road, &c.*

16. *Wherever ground given up is private property, Surveyor shall value the private interest. Amount shall be offered to the owner, and if accepted, the Petty Sessions shall become the legal owner of the said ground.*

17. *If money offered is refused, a jury shall value the property for which compensation is to be given.*

18. *Sheriff to summon* 24 *persons, twelve of whom shall be a jury. Persons not appearing to be fined not exceeding* 200 *Rupees.*

19. *Sheriff to be allowed* 10 *Rupees for his Warrant, and* 4 *for his Return, and* 15 *for attending at the Petty Sessions, to be paid out of the Court fund if the valuation by the jury exceeds the original offer, and by the party if it is the same or less. Costs which the Petty Sessions may be entitled to receive shall be recoverable like fine or penalty.*

20. *Compensation under this act shall be paid out of County fund.*

21. *In case of conflicting claims to property for which compensation is payable, such compensation shall be paid to Accountant General for the party entitled by judgment of the Supreme Court.*

22. *Surveyor shall give notice to take down or remove any gallery, balcony, roof, &c., which shall overhang or encroach on any public road &c.: and if not removed in* 15 *days, Surveyor may remove it, and sell the materials, and person disobeying the notice shall be fined not exceeding* 500 *Rupees. Party may appeal to Petty Sessions. Tiled roofs &c. shall be allowed to project* 2 *feet.*

23. *Surveyor with approbation of Petty Sessions, may permit owner, &c., to project tiled roofs from upper Stories to extent of* 3 *feet over any public street, &c,*

24. *Surveyor may order any scaffoldings to be masked, persons not obeying such order shall be fined not exceeding* 500 *Rupees.*

25. *Tiles of roofs to be properly secured. Occupier not securing tiles after notice, shall be fined not exceeding* 500 *Rupees.*

26 *Surveyor may order gutter &c. for catching water to be made. Non-compliance with order, punishable by fine not exceeding* 500 *Rupees.*

27. *If any building near a public street is in ruinous condition, the Surveyor may put up boarding for the safety of passengers, and give notice to occupier to repair, &c. the same, and, if not done, Surveyor may take down &c the same, and sell materials; surplus of proceeds after paying expences, to be paid to owner of house, or if not demanded by him to be added to the County fund.*

28. *If money produced by sale is insufficient to cover expences, the deficiency shall be paid out of the County fund, and levied by distress on goods of the offender.*

29. *Land constituting part of any public road, beyond the town of Bombay, and becoming useless for that purpose, may be taken possession of by Collector, under direction of the Governor in Council.*

30. *Head Builder &c offending against this act, shall be fined not exceeding* 500 *Rupees.*

31. *All fines &c. incurred under this Act, shall be levied by distress warrant under hand and seals of 2 or more Magistrates, and paid to County fund. If no sufficient distress, offender may be committed for not exceeding* 3 *months.*

32. *Distress not to be unlawful by reason of irregularity, but party aggrieved may recover for special damage by action on the case.*

33. *Plaintiff not to recover, if sufficient amends had been tendered before action. Defendant may pay money into Court.*

34. *No action to be brought for any thing done in pursuance of this Act, until* 21 *days after notice. Defendant may plead General Issue. Defendant to recover treble costs in case judgment is given for him.*

An Act for the Regulation of Buildings in the Islands of Bombay and Colaba.

I. It is hereby enacted, that the first twelve Articles of Rule Ordinance and Regulation III. of 1812, passed by the Governor of Bombay in Council, and the 18th, 25th, and all following Articles of the same Rule Ordinance and Regulation, and the 1st, 2d 5th, and 7th Articles of Rule Ordinance and Regulation III. of 1815, passed by the said authority, be repealed.

II. And it is hereby enacted, that all persons intending to erect or rebuild any building within the Islands of Bombay and Colaba which shall approach in any part within twenty-five feet of the edge or side of any public road, street, or other thoroughfare, or intending to alter any building within the said Islands by extending the foundation thereof, so that any part of such foundation shall approach within the same distance of the edge or side of any such public place, shall, before commencing to do so, obtain from the Collector of Land Revenue in Bombay a certificate of the specific ground intended to be used, and from the Surveyor to the Court of Petty Sessions in Bombay an endorsement on such certificate, of the nature of the work which consistently with the provisions of this Act and with public convenience, and according to the intention of the party, can and is proposed to be executed.

III. And it is hereby enacted, that in all cases in which the Surveyor to the said Court of Petty Sessions shall be satisfied that the intended building or alteration is in compliance with the provisions of this Act, and that no part of the ground to be covered thereby is wanted for public purposes, he shall endorse the said certificate as above enacted, and in case any party shall feel aggrieved by the withholding of such endorsement, or by the terms or re-

strictions of any such endorsement, he shall be at liberty to bring the matter of his complaint before the said Court of Petty Sessions, whose decision thereon shall be final; provided always, that no certificate, and no such endorsement thereof as aforesaid, and no decision of the said Court of Petty Sessions thereon, shall be construed as an adjudication upon or as in any way affecting the right or title of any person to the ground or building referred to in such certificate and endorsment or any part thereof.

IV. And it is hereby enacted, that should any person, having obtained a certificate and endorsement as aforesaid, find it desirable during the progress of the work to deviate from his original plan, he shall not be at liberty to do so without the sanction in writing of the said Surveyor to the Court of Petty Sessions to such proposed deviation, with liberty however to the party to appeal to the said Court as provided in Section III. of this Act.

V. And it is hereby enacted, that should the erection, rebuilding, or such alteration as aforesaid of any such building be commenced without such certificate and endorsement as above required, or contrary to the terms of any such certificate and endorsement, (such deviation not having been duly sanctioned as aforesaid,) every person offending herein shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 rupees.

VI. And it is hereby enacted, that whoever shall alter any such certificate as aforesaid without the sanction of the Collector of the Land Revenue and of the Surveyor to the Court of Petty Sessions, or shall alter any endorsement thereon without the sanction of the Surveyor to the Court of Petty Sessions, shall be punishable on conviction before the said Court of Petty Sessions, by fine not exceeding 500 rupees, or by imprisonment in the house of correction for any time not exceeding four calendar months, with or without hard labor.

VII. And it is hereby enacted, that no building hereafter to be erected within the walls of the Fort of Bombay shall be erected higher than 50 feet measured from the surface of the street to the extreme of the roof; provided that light open balustrades or railings of any material not inflammable may be added round the outer edge of the roof for the purpose of guarding against accident, but

such balustrades or railings are to have no roof or covering, and all persons offending herein shall on conviction before the said Court of Petty Sessions be punishable by fine not exceeding 500 rupees.

VIII. And it is hereby enacted, that no cudjans or other inflammable materials shall be made use of in the external roof or walls of any building within the Fort walls of Bombay, nor in the external part of any building without the Fort walls of Bombay in any place or places within the Islands aforesaid to be declared by the Governor of Bombay in Council by Proclamation in the Government Gazette, and that every person offending herein shall on conviction before the said Court of Petty Sessions be punishable by fine not exceeding 500 rupees.

IX. And it is hereby enacted, that no building of any description shall be erected in the Islands of Bombay or Colaba in such manner as shall destroy, injure, or prejudicially interfere with any of the water-courses or the drainage of the said Islands or either of them, and upon notice being given by the said Surveyor of the Court of Petty Sessions, to the owner or other person under whose directions any work may be going on, that such work is injurious to and does or will interfere with any water-course or the drainage of the said Islands or either of them, such person shall immediately thereupon discontinue such work, and if he feels aggrieved by such notice, shall bring the matter of his complaint before the said Court of Petty Sessions, whose opinion and adjudication thereon shall be final; and in case such person shall not on receiving such notice as aforesaid, discontinue the said work, he shall be punishable on conviction before the said Court of Petty Sessions, by fine not exceeding 500 rupeees.

X. And it is hereby enacted, that in case the said Court, of Petty Sessions on any appeal to them under the last preceding Section, or upon special application of their Surveyor, and after hearing the parties concerned, shall be of opinion that the work deemed objectionable by the said Surveyor will destroy or be injurious to or prejudicially affect any of the water-courses or the drainage of the said Islands, or either of them, then the said Court shall make an order for the discontinuance and immediate removal of the said work, or of so much thereof as is objectionable; and in

case the owner or other person conducting such work shall not obey such order, he shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 rupees; and such work, or so much thereof as shall have been found to be objectionable, shall be forthwith taken down and removed by the Surveyor of the said Court, and the materials shall be sold and disposed of in the like manner as is hereinafter directed concerning the taking down of ruinous buildings.

XI. And it is hereby enacted, that when any building within the Islands of Bombay or Colaba shall be erected, rebuilt, or altered, in any manner contrary to the provisions of this Act, except as in the 9th Section is mentioned, it shall be lawful for the Surveyor to the Court of Petty Sessions to give notice to the person or persons so offending forthwith to discontinue such work, and to pull down and clear away the same by a fixed day, and in the event of such work not being immediately discontinued, or of such order of removal not being complied with by the expiration of the time so fixed upon, the person or persons so disobeying such notice shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding rupees 500; and the Surveyor to the Court of Petty Sessions shall have power to cause the work to be taken down and removed, and to sell and dispose of the meterials thereof in the like manner as is hereinafter directed concerning the taking down of ruinous buildings; provided always, that nothing herein contained shall prevent the person or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which Court shall have power to quash, alter, or confirm the same and to extend the time named therein and to punish any frivolous appeal with double costs.

XII. And it is hereby enacted, that every person rebuilding any building of which any part is situated within twenty-five feet of the edge or side of any public road, street, or other thoroughfare within the Islands aforesaid, shall be liable to be required, for the purpose of widening such road, street, or other thoroughfare, to carry back his building so far and to give up so much of the site of the old building, or of the compound in which the same was standing, or of the uninclosed ground if any lying in front of the old building and between the same and the road, as shall be specified

in the endorsement to be made on the certificate of the Collector of Land Revenue under this Act; but such endorsement shall be subject in all cases to the revision and final decision of the said Court of Petty Sessions, in the event of appeal thereto from the terms of the same, and the party so required shall be entitled to such compensation as is hereinafter provided.

XIII. And with the view of preventing fraudulent evasions as to the giving up of ground under the last Section, it is hereby enacted, that every person rebuilding, repairing, altering or in any way strengthening the foundation or lower part of any building within twenty-five feet of the edge of any public road or street within the Islands aforesaid, and then within three years therefrom substantially rebuilding the remaining part of the said building upon the old foundation or lower part so rebuilt, repaired, altered or strengthened as aforesaid, shall be deemed to have rebuilt the entire building within the meaning of the last section.

XIV. And it is hereby enacted, that should any steps project into any public road, street, or other thoroughfare in front of any house, the space covered by such steps shall not be considered as part of the ground to be given up under this Act, but the ground to be given up shall be measured from the exterior of the building itself.

XV. And it is hereby enacted, that the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, shall at all times have power and authority to require any ground within the Islands of Bombay or Colaba to be given up for the purpose of widening or altering any existing public road, street, or other thoroughfare, or drain, or for making any new public road, street, or other thoroughfare, or drain.

XVI. And it is further enacted, that wherever ground required to be given up under any of the preceding Clauses, or any building thereon, shall be or be of the nature of private property, or when being ground of the Hon'ble Company any substantial improvement shall have been made in the value thereof, the Surveyor to the Court of Petty Sessions shall cause an estimate to be made of such private interest, or of any such improvement, and the amount of such estimate, if duly sanctioned by the Hon'ble the Governor in

Council, or such other sum as that authority shall sanction, shall be offered by the said Surveyor to the owner or other person in possession of the said ground or building, and if such offer be accepted the amount thereof shall be paid to such owner or other person, whose receipt for the same shall be a sufficient release and discharge to the said Court of Petty Sessions, and thereupon the said Court of Petty Sessions shall become and be the legal owners of the said ground or building, for the purposes of this Act, and all and every person or persons interested in the premises shall be thenceforth to all intents and purposes divested of all right, title, and interest of, in, or to the same; provided always that nothing herein contained or hereby authorized shall have the effect of deciding that the person to whom any money shall be paid as aforesaid is in law or equity the owner of any part of such money, and in case any conflicting claims shall be set up thereto before the same shall have been paid over, such sum shall be then dealt with in the manner provided in Section XXI. hereinafter contained.

XVII. And it is further enacted, that where such offer shall be made as aforesaid, and the person or persons to whom the same shall be made shall refuse to accept the same, as being less than the value of the said property or interests, then and in such case the Court of Petty Sessions shall cause the value of the property or interests for which compensation is to be given to be ascertained by a Jury of twelve indifferent men resident on the Island, to be summoned by the Sheriff in manner hereinafter mentioned, and the said Court of Petty Sessions is hereby empowered to call before the said Jury by a written notice for that purpose to be given, and to examine upon oath all persons who shall be thought necessary and capable of giving evidence concerning the premises, and the said Court shall cause the said Jury to view the property in question, and shall use all other lawful means as well for their own as for the said Jury's information on the premises, and after the said Jury shall have so settled the value of the said property or interest, such valuation so made shall be final and conclusive to all intents and purposes against all persons, and the amount thereof shall be paid as hereinafter mentioned.

XVIII. And it is hereby enacted, that for summoning and returning a Jury under the last preceding Clause the said Court of

Petty Sessions shall have authority from time to time to issue their warrant to the said Sheriff of the Town of Bombay, thereby requiring him to summon and return an indifferent Jury of twenty four persons resident on the Island of Bombay, to be selected from the Petit Jury list for the time being, to appear before the said Court of Petty Sessions at such time and place as in the said warrant shall be appointed, of which time and place all parties interested shall have ten days' notice in writing to be given to the said parties personally or left at their usual place of abode, and the said Sheriff is hereby required to summon and return such twenty-four persons accordingly, and out of the persons so summoned and returned, or out of such of them as shall appear, the said Court shall cause to be sworn twelve, who shall be the Jury for the purpose aforesaid, and all persons concerned shall have their lawful challenges against any of the said Jurymen when they come to be sworn, and the said Court acting in the premises shall have power to impose any reasonable forfeiture, not more than 200 rupees, upon any person who shall be summoned and returned on such Jury and shall not appear, or who shall refuse to be sworn on such Jury, or in any manner wilfully neglect his duty therein contrary to the meaning of this Act, and also upon any person who, having been duly summoned to give evidence touching any matter in question shall refuse to appear, or appearing, shall refuse to be examined or give evidence, which said forfeiture shall be and is hereby made payable to the Court of Petty Sessions for and on account of the County fund.

XIX. And it is hereby enacted, that the said Sheriff shall be allowed for every warrant to his Bailiff for summoning every Jury ten rupees and no more, and for every return of a Jury four rupees and no more, and for attending the Court of Petty Sessions on the impanneling every Jury fifteen rupees and no more, and such fees and other expences of and attending the assembling the said Jury shall be borne and paid by the Court of Petty Sessions out of the County fund, if the valuation fixed by the said Jury shall exceed the original offer made under Section XVI. of this Act, and by the other party if such valuation shall be equal to or less than the said offer, and in all cases where the said Court of Petty Sessions shall be entitled to receive any costs or expences under this Clause

the said Court shall be empowered to levy and raise the same in the same manner as if the same were a fine or other penalty.

XX. And it is further enacted, that in all cases where money shall be paid to any person or persons as a compensation under this Act, the same shall be paid out of the County fund, and shall be subject to the same use or uses, and the same charges, liens or incumbrances in all respects as the interests or property for which such compensation shall be paid were subject to at the time of the payment therefore.

XXI. And it is further encated, that in every case wherein conflicting claims are set up to any property or interest which the Court of Petty Sessions may require for carrying into execution the purposes of this Act, and for which under the provisions thereof any compensation shall be payable, such compensation shall be paid into the hands of the Accouutant General of the Supreme Court of Bombay, for the use and benefit of such persons as shall appear entitled thereto by any decree or judgment of the said Supreme Court, and the receipt of the said Accountant General shall be a sufficient discharge to the Court of Petty Sessions, who shall from the date thereof become and be the legal owners of the said ground or building for which such money shall be so paid.

XXII. And it is hereby enacted, that the Surveyor to the said Court of Petty Sessions shall cause notice in writing to be given to the owner or occupier of any building or land within the Island aforesaid from which any gallery, balcony, roof, weather-frame, spout, gutter or other thing shall in future be made, which shall overhang, or jut into, or in any way project or encroach upon any public road, street, or other throughfare, that he do take down, remove, alter or regulate the same in such manner as not to incommode the public. And in case such owner or occupier shall refuse or neglect so to do for the space of fifteen days next after such notice shall have been given to him, the person or persons disobeying such notice shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 Rupees. And the said Surveyor shall have power to cause the nuisance to be taken down and removed, and to sell and dispose of the materials thereof in like manner as is hereinafter directed concerning the taking down of ruinous buildings; provided always, that nothing herein contain-

ed shall prevent the preson or persons to whom such notice shall be given appealing therefrom to the said Court of Petty Sessions, which Court shall have power to quash, alter, or confirm the same and to punish any frivolous appeal with double costs. Provided also that tiled roofs or weather frames of at least twelve feet high above the surface of any public road, street, or other throughfare, may be projected to the extent of two feet above the same.

XXIII. And it is hereby provided, that it shall be lawful for the Surveyor to the Court of Petty Sessions, with the approbation of the said Court, to give permission in writing to the owner or occupiers of buildings in public thoroughfares twenty-five feet in width and upwards, within the Islands aforesaid, to project tiled roofs or weather-frames from the upper stories of their houses to the extent of three feet beyond their foundation, or over any public road, street, or other thoroughfare, and to the occupiers of buildings in exposed situations facing between the south and west in streets of the above width to make such projection to the extent of five feet.

XXIV. And it is further enacted, that where any scaffolding shall be used in or near any public road, street or other thoroughfare in building, repairing, or altering any house, or building, within the Islands aforesaid, it shall be lawful for the Surveyor to the said Court of Petty Sessions, if he shall think fit so to do, to give notice in writing to the owner or occupier of such house, or building, or other person directing the work, to cause such scaffolding to be masked or covered on the outside thereof so as to prevent any thing falling therefrom to the injury of persons passing below, and if the owner, occupier or other person as aforesaid shall neglect to obey such notice within a reasonable time after receiving the same, such offender shall be punishable on conviction before the Court of Petty Sessions by fine not exceeding 500 Rupees.

XXV. And it is further enacted, that the tiles of roofs within the said Islands shall be properly secured, so as to prevent their falling to the injury of passengers on any public road, street, or other thoroughfare, and the owner or occupier of any house the tiles of which are not so secured shall, if he neglect to secure the same within one week after having received notice so to do from the said Surveyor to the Court of Petty Sessions, be punishable on conviction before the said Court by fine not exceeding 500 Rupees.

XXVI. And it is hereby enacted, that it shall be lawful for the Surveyor to the Court of Petty Sessions to give notice in writing to the owner or occupier of any house, or building, within the Islands aforesaid, from which water may fall on any public road, or ground, to put up such gutters or channels for catching and conveying the water elsewhere as may be necessary, and on non-compliance with such notice within one week from the time of receiving the same, the offender shall be punishable before the said Court of Petty Sessions by fine not exceeding 500 Rupees.

XXVII. And it is hereby enacted, that when any building or any part thereof at or near any public road, street, or other thoroughfare in any part of the said Islands, is in a ruinous condition, it shall be lawful for the said Surveyor to the Court of Petty Sessions to cause a sufficient boarding or protection to be put up for the safety of all passengers, and the said Surveyor shall cause notice in writing to be given to the occupier if any, and if not cause a notice to be affixed to the door or other exposed part of such building, to repair or pull down the same within fourteen days from the date of such notice, and if such occupier or the owner do not begin to repair or take down the same within such term of fourteen days and complete the same as soon as the case will admit, it shall be lawful for the Surveyor to the Court of Petty Sessions to cause such building, or so much thereof as may be ruinous, to be taken down and removed in such manner as shall be requisite, and to sell and dispose of the materials thereof, and by and out of the monies arising by the sale thereof to reimburse himself, and all persons by him employed for the purpose, all the charges of putting up such boarding, and of taking down and removing such building, and of selling the said materials as aforesaid, and the surplus of such monies if any, shall be paid to the owner of such house or building upon personal demand thereof, made by such owner, and if no such demand be made, then to the Court of Petty Sessions for the benefit of the person or persons entitled thereto, and if no demand shall be made to the said Court for the money so paid in before the expiration of twelve calendar months from the receipt thereof by the said Court, the same shall be added to and become part of the County Fund.

XXVIII. And it is hereby enacted, that whenever the money

produced by any sale to be made by the Surveyor to the Court of Petty Sessions under this Act shall be deficient to cover the expences of the said Surveyor, and the persons employed by him, then the said Court of Petty Sessions shall pay such deficiency to the said Surveyor out of the County Fund, and shall have power to levy and raise the same by distress and sale of the goods and chattels of the offender in the same manner in all respects as fines and penalties are levied by the said Court.

XXIX. And it is hereby enacted, that in case any part of the land constituting the public streets, or roads, or other throughfares of the said Islands beyond the limits of the Town of Bombay, shall become useless and unnecessary for the purpose of a public highway, it shall be lawful for the Governor of Bombay in Council to direct the Collector of Land Revenue of Bombay to take possession thereof for the use of the Honorable Company, and the Collector of Land Revenue shall take possession thereof accordingly.

XXX. And it is hereby enacted, that every Head Builder, Master Carpenter, Master Mason, or Labourer who shall in erecting, re-building or repairing, altering or adding to any building in Bombay or Colaba knowingly offend against the provisions of this Act, shall be punishable on conviction before the said Court of Petty Sessions by fine not exceeding 500 Rupees.

XXXI. And it is hereby enacted, that the amount of all fines and penalties and costs in the nature of fines and penalty that may be incurred and payable under this Act shall be levied by warrant under the hands and seals of two or more of the Magistrates in Petty Sessions, and when received shall be added to and form part of the County Fund, and if on such distress property belonging to such offenders sufficient to make good the penalty be not found, such offender shall be committed by the said Court to the House of Correction, with or without hard labour at the discretion of the said Court, for any time not exceeding three months, unless the said penalty be sooner paid.

XXXII. And it is hereby enacted, that where any distress shall be made for any sum or sums of money to be recovered by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of

any defect of form in any proceedings relating thereto, nor shall the party be deemed a trespasser *ab initio* on account of any irregularity afterwards done by the party making such distress, but the person or persons aggrieved by such irregularity may recover for the special damage only by action on the case, and not by any other action whatever.

XXXIII. And it is hereby enacted, that no Plaintiff shall recover in any action for any such irregularity or other proceedings, if tender of sufficient amends be made by or on the behalf of the party or parties who committed or caused to be committed any such irregularity or wrongful proceeding before such action be brought; and in case no such tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such action, by the leave of the Court where such action shall depend, at any time before issue joined, to pay into Court such sum of money as he or they shall see fit, whereupon such proceedings or order and judgment shall be had, made, or given in and by such Court as in other actions when the Defendant is allowed to pay money into Court.

XXXIV. And it is hereby enacted, that no action or suit shall be commenced against any person or persons for anything done in pursuance of this Act until twenty-one days after notice in writing of an intention to bring such action or suit has been given to the person or persons against whom such action or suit shall be brought, nor after the expiration of three calender months next after the fact committed, and the Defendant or Defendants in every such action or suit may plead the general issue, and give this Act and any special matter in evidence at the trial, and that the matter or thing for which such action or suit is brought was done in pursuance and by the authority of this Act, and if the said matter or thing appear to have been so done, or if it shall appear that such action or suit was brought before the expiration of twenty-one days after such notice was given as aforesaid, or that sufficient satisfaction was made or tendered before such action was brought, or if any such action or suit be not commenced within the time herein for that purpose limited, then the Court, in every such action or suit, shall find for the Defendant therein, and if a verdict be found for the Defendant, or if the Plaintiff or Plaintiffs in any such action

or suit become nonsuited, or discontinue, or suffer a discontinuance of any such action or suit, or if in any such action or suit judgment be given for the Defendant therein on demurrer or by default, or otherwise, then and in any of the cases aforesaid, the Defendant shall have judgment to recover treble costs of suit, and shall have such remedy for recovering the same as any Defendant or Defendants may have by law for costs in other cases.

ACT No. XXIX. OF 1839.

Passed on the 16th December, 1839.

1. *Recites expediency of extending the new Dower Act (stat. 3 and 4 W. 4, c. 105) to the Territories of the East India Company. Interpretation of Words of the Act.*

2. *Widows to be entitled to Dower out of equitable estates.*

3. *Seizin of the husband not necessary to entitle the widow to Dower.*

4. *Widow not entitled to Dower out of estates disposed of by husband, in his life time, or by Will.*

5. *Right to Dower, to be subject to estates, interests, and charges created by husband, and also to his debts, incumbrances, contracts and engagements.*

6. 7. *Widow barred of Dower by declaration in deed of conveyance to, or any deed by, or will of, husband.*

8. *Right to Dower may be put under restrictions or conditions, by will of husband.*

9. *Devise of real estate by husband to widow, shall bar right to Dower, unless a contrary intention appears.*

10. *Bequest of personal estate of husband to widow shall not bar Dower.*

11. *Covenant of husband not to bar Dower may be enforced in Equity.*

12. *Legacies in satisfaction of Dower, to have priority before other Legacies.*

13. *Dower, ad ostium ecclesiæ, or ex assensu patris, abolished.*

14. *Act not to extend to Widows married before, nor to wills, &c., made before 1 July,* 1840.

15. *Act only to operate in relation to Dower.*

An Act for the Amendment of the Law relating to Dower.

I. Whereas it is expedient to extend the Amendments in the English Law of Dower contained in the Statute 3rd and 4th William IV. Chapter CV. to the Territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of Dower as it existed previously to the passing of the aforesaid Statute:

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "Land" shall extend to Messuages, and all other Hereditaments, whether Corporeal or Incorporeal (except such as are not liable to Dower), and to any share thereof, and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

II. And it is hereby further enacted, that when a Husband shall die, beneficially entitled to any Land for an interest which shall not entitle his Widow to Dower out of the same at Law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an Estate of inheritance in possession, or equal to an Estate of inheritance in possession, (other than an Estate in joint-tenancy,) then his Widow shall be entitled in Equity to Dower out of the same Land.

III. And it is hereby further enacted, that when a Husband shall have been entitled to a right of entry or action in any Land and his Widow would be entitled to Dower out of the same if he had recovered possession thereof, she shall be entitled to Dower out of the same although her Husband shall not have recovered possession thereof; provided that such Dower be sued for or obtained within the period during which such right of entry or action might be enforced.

IV. And it is hereby further enacted, that no Widow shall be entitled to Dower out of any Land which shall have been absolutely disposed of by her Husband in his life time, or by his Will.

V. And it is hereby further enacted, that all partial Estates and Interests, and all charges created by any disposition or Will of a Husband, and all debts, incumbrances, contracts, and engagements to which his Land shall be subject or liable, shall be valid and effectual as against the right of his Widow to Dower.

VI. And it is hereby further enacted, that a Widow shall not be entitled to Dower out of any Land of her Husband, when in the Deed by which such Land was conveyed to him, or by any

Deed executed by him, it shall be declared that his Widow shall not be entitled to Dower out of such Land.

VII. And it is hereby further enacted, that a Widow shall not be entitled to Dower out of any Land of which her Husband shall die wholly or partially intestate when by the Will of her Husband, duly executed for the devise of Freehold Estates, he shall declare his intention that she shall not be entitled to Dower out of such Land or out of any of his Land.

VIII. And it is hereby further enacted, that the right of a Widow to Dower shall be subject to any conditions, restrictions or directions which shall be declared by the Will of her Husband duly executed as aforesaid.

IX. And it is hereby further enacted, that where a Husband shall devise any Land out of which his Widow would be entitled to Dower if the same were not so devised, or any Estate or Interest therein, to or for the benefit of his Widow, such Widow shall not be entitled to Dower out of or in any Land of her said Husband, unless a contrary intention shall be declared by his Will.

X. And it is hereby further enacted, that no Gift or Bequest made by any Husband to or for the benefit of his Widow of or out of his Personal Estate, or of or out of any of his Land not liable to Dower shall defeat or prejudice her right to Dower unless a contrary intention shall be declared by his Will.

XI. Provided always and it is hereby further enacted, that nothing in this Act contained shall prevent any Court of Equity from enforcing any covenant or agreement entered into by or on the part of any Husband not to bar the right of his Widow to Dower out of his Lands or any of them.

XII. And it is hereby further enacted, that nothing in this Act contained shall interfere with any rule of Equity, or of any Ecclesiastical Court by which Legacies bequeathed to Widows in satisfaction of Dower are entitled to priority over other Legacies.

XIII. And it is hereby further enacted, that no Widow shall hereafter be entitled to Dower *ad ostium ecclesiæ* or Dower *ex assensu patris*.

XIV. And it is hereby further enacted, that this Act shall not

extend to the Dower of any Widow who shall have been or shall be married on or before the First day of July One Thousand Eight Hundred and Forty, and shall not give to any Will, Deed, Contract, Engagement, or Charge executed, entered into, or created before the said First day of July, One Thousand Eight Hundred and Forty, the effect of defeating or prejudicing any right to Dower.

XV. And it is hereby provided, that this Act shall not be construed to affect any right of property in Land otherwise than by modifying the Law of Dower in cases governed by the English Law of Dower, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

LAW OF INHERITANCE.

ACT No. XXX. OF 1839.

[*Passed on the* 16*th December*, 1839.

1. *Meaning of the words, "Land," "The Purchaser," "Descent," "Descendant," "Person last entitled," "Assurance." Words how to be construed with reference to Number and Gender.*
2. *Descent shall always be traced from the Purchaser. Last owner to be considered to be the purchaser, unless the contrary be proved.*
3. *Heir entitled under a Will shall take as Devisee. A limitation to a Grantor or his heirs shall create an estate by purchase.*
4. *Where heirs take by purchase under Limitations to the heirs of their Ancestors, the Land shall descend as if the Ancestor had been the purchaser.*
5. *Descent from a Brother or Sister shall be traced through the Parent.*
6. *Lineal Ancestor may be Heir in preference to Collateral persons claiming through him.*
7. *The Male line to be preferred.*
8. *The Mother of a more remote male Ancestor to be preferred to the Mother of a less remote Ancestor.*
9. *Half blood, if on the part of a male Ancestor, to inherit after the whole blood of the same degree, if on the part of a female Ancestor, after her.*
10. *After the Death of a person attainted, his descendants may inherit.*
11. *Act not to extend to any descent before the* 1*st July,* 1840.
12. *Limitations made before the* 1*st July,* 1840, *to the Heirs of a person then living, shall take effect as if this Act had not been made.*
13. *Act only to extend to Inheritances subject to English Law.*

An Act for the amendment of the Law of Inheritance.

I. Whereas it is expedient to extend the amendments, in the

English Law of Inheritance contained in the Statute 3d and 4th William IV. Chapter CVI. to the Territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of Inheritance as it existed previously to the passing of the aforesaid Statute:

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "Land" shall extend to Messuages, and all other Hereditaments, whether corporeal or incorporeal, and whether Freehold or of any other Tenure, and to Money to be laid out in the purchase of Land, and to Chattels and other personal property transmissible to Heirs, and also to any share of the same Hereditaments and Properties or any of them, and to any Estate of Inheritance or Estate for any Life or Lives, or other Estate transmissible to Heirs, and to any Possibility, Right, or Title of Entry or Action, and any other Interest capable of being inherited, and whether the same Estates, Possibilities, Rights, Titles, and Interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "the Purchaser" shall mean the person who last acquired the Land otherwise than by descent, or than by any escheat, partition, or enclosure, by the effect of which the Land shall have become part of or descendible in the same manner as other Land acquired by descent; and the word "descent" shall mean the title to inherit Land by reason of consanguinity, as well where the Heir shall be an Ancestor or Collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any Ancestor shall extend to all persons who must trace their descent through such Ancestor; and the expression "the person last entitled to Land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the Rents and Profits thereof; and the word "assurance" shall mean any Deed or Instrument other than a Will by which any Land shall be conveyed or transferred at Law or in Equity; and every word importing the singular number only, shall extend and be applied to several persons or things as well as

one person or thing, and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

II. And it is hereby further enacted, that in every case descent shall be traced from the Purchaser, and to the intent, that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the Land shall, for the purposes of this Act, be considered to have been the Purchaser thereof unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the Purchaser, unless it shall be proved that he inherited the same, and in like manner the last person from whom the Land shall be proved to have been inherited shall in every case be considered to have been the Purchaser unless it shall be proved that he inherited the same.

III. And it is hereby further enacted, that when any Land shall have been devised by any Testator who shall die after the First day of July one thousand eight hundred and forty, to the Heir or to the person who shall be the Heir of such Testator, such Heir shall be considered to have acquired the Land as a Devisee and not by descent; and when any Land shall have been limited by any assurance executed after the said First day of July one thousand eight hundred and forty, to the Person or the Heirs of the Person who shall thereby have conveyed the same Land, such Person shall be considered to have acquired the same as a Purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former Estate or part thereof.

IV. And it is hereby further enacted, that when any person shall have acquired any Land by Purchase under a limitation to the Heirs or to the Heirs of the body of any of his Ancestors, contained in an assurance executed after the said First day of July one thousand eight hundred and forty, or under a limitation to the Heir or to the Heirs of the body of any of his Ancestors, or under any limitation having the same effect, contained in a Will of any Testator who shall depart this life after the said First day of July one thousand eight hundred and forty, then and in any of such cases such Land shall descend, and the descent thereof shall be traced as if the Ancestor named in such limitation had been the Purchaser of such Land.

V. And it is hereby further enacted, that no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the Parent.

VI. And it is hereby further enacted, that every lineal Ancestor shall be capable of being Heir to any of his issue, and in every case where there shall be no issue of the purchaser, his nearest lineal Ancestor shall be his Heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal Ancestor, or in consequence of there being no descendant of such lineal Ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal Ancestor to any of his issue, other than a nearer lineal Ancestor or his issue.

VII. And it is hereby further enacted and declared, that none of the Maternal Ancestors of the person from whom the descent is to be traced, nor any of their descendants shall be capable of inheriting until all his Paternal Ancestors and their descendants shall have failed; and also that no female Paternal Ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male Paternal Ancestors and their descendants shall have failed; and that no female Maternal Ancestor of such person, or any of her descendants, shall be capable of inheriting until all his male Maternal Ancestors and their descendants shall have failed.

VIII. And it is hereby further enacted and declared, that where there shall be a failure of male Paternal Ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male Paternal Ancestors, or her descendants, shall be the Heir or Heirs of such person, in preference to the mother of a less remote male Paternal Ancestor, or her descendants; and where there shall be a failure of male Maternal Ancestors of such person, and their descendants, the mother of his more remote male Maternal Ancestor, and her descendants, shall be the Heir or Heirs of such person in preference to the mother of a less remote male Maternal Ancestor, and her descendants.

IX. And it is hereby further enacted, that any person related to the person from whom the descent is to be traced by the half blood shall be capable of being his Heir, and the place in which

any such relation by the half blood shall stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood, and his issue, where the common Ancestor shall be a male, and next after the common Ancestor where such common Ancestor shall be a female, so that the brother of the half blood on the part of the father shall inherit next after the sisters of the whole blood on the part of the father and their issue, and the brother of the half blood on the part of the mother shall inherit next after the mother.

X. And it is hereby further enacted, that when the person from whom the descent of any Land is to be traced shall have had any relation, who, having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such Land who would have been capable of inheriting the same by tracing his descent through such relation if he had not been attainted, unless such Land shall have escheated in consequence of such attainder before the First day of July one thousand eight hundred and forty.

XI. And it is hereby further enacted, that this Act shall not extend to any descent which shall take place on the death of any person who shall die before the said First day of July one thousand eight hundred and forty.

XII. And it is hereby further enacted, that where any assurance executed before the said First day of July one thousand eight hundred and forty, or the Will of any person who shall die before that time, shall contain any limitation or gift to the Heir or Heirs of any person under which the person or persons answering the description of Heir shall be entitled to an Estate by purchase, then the person or persons who would have answered such description of Heir if this Act had not been made shall become entitled by virtue of such limitation or gift, whether the person named as Ancestor shall or shall not be living at the time aforesaid.

XIII. And it is hereby provided, that this Act shall not be construed to affect inheritances of Land, which are not subject to the English Law of Inheritance, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

OFFENCES AGAINST THE MINT.

ACT No. XXXI. OF 1839.

Passed on the 23d December 1839.

1. *Any person fraudulently clipping, filing, drilling, defacing, or debasing any gold or silver Coin, &c. shall be guilty of felony, and liable to be transported for life or any term of years, or to be imprisoned not exceeding* 4 *years.*

2. *Natives of the East Indies, not born of European parents, not to be transported to the Eastern coast of New South Wales or the adjacent Islands.*

3. *Act to extend only to persons and places under the jurisdiction of Her Majesty's Courts.*

An Act for remedying certain defects in the Statute 9th George IV. Ch. 74, relating to the Coin.

I. Whereas it is expedient to remedy certain defects in the Statute 9th George IV. Ch. 74, of which the inconvenience is particularly experienced relating to injuries to the Coin:

It is hereby enacted, that if any person shall fraudulently clip, file, drill, deface, or debase any current gold or silver Coin issued from any Mint of the East India Company, or usually received as money in any part of the Territories under the Government of the East India Company, with intent to make the Coin so clipped, filed, drilled, defaced, or debased, pass for the current gold or silver Coin so issued, or usually received as money as aforesaid, every such offender shall be guilty of felony, and shall be liable on conviction, at the discretion of the Court, to be transported to such place as the Court shall direct for life or any term of years, or to be imprisoned for any term not exceeding four years.

II And it is hereby provided, that it shall not be lawful for any Court under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

III. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the criminal jurisdiction of any of Her Majestys Courts of Justice within the Territories under the Government of the East India Company extends, but not further, or otherwise.

INTEREST.

ACT No. XXXII. OF 1839.

Passed on the 30th December, 1839.

Upon all debts &c. the Court may allow interest at the current rate, from the due day when such debts &c. were payable by virtue of a written instrument, or, if payable otherwise, from time of demand of payment and notice that interest will be required.

An Act concerning the allowance of Interest in certain cases.

I. Whereas it is expedient to extend to the Territories under the Government of the East India Company, as well within the jurisdiction of Her Majesty's Courts as elsewhere, the provisions of the Statute 3d and 4th William IV. Chapter 42, Section 28, concerning the allowance of interest in certain cases:

It is, therefore, hereby enacted, that upon all debts or sums certain payable at a certain time or otherwise, the Court before which such debts or sums may be recovered, may, if it shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment; provided that interest shall be payable in all cases in which it is now payable by law.

MADRAS.—JUDICIARY.—FOUJDAREE UDALUT.

ACT No. I. OF 1840.

[Passed on the 27th January, 1840.

A Futwa in cases referred to the Fouzdaree Adalut not necessary. But nevertheless, case to be determined according to Mahommedan Law.

An Act for regulating the Procedure on Trials referred to the Court of Foujdaree Udalut at Madras.

I. Whereas the dispensing with a Futwa, in cases referred to

the Court of Foujdaree Udalut at Madras, will be attended with great convenience, and the Futwa may be dispensed with in that Court, without altering or impairing the authority of the Mahometan Law:—It is, therefore, hereby enacted, that in Trials referred to the said Court of Foujdaree Udalut at Madras, that Court shall not be required to take a Futwa from their Law Officers. Provided always, that nothing in this Act contained shall authorize the said Court to dispense with the Mahometan Law in any case, which, before the passing of this Act, would have been determinable according to that Law by the said Court.

COURTS MARTIAL.

ACT No. II. OF 1840.

[Passed on the 10th February, 1840.

Judge, Magistrate, Sheriff or other Officer in charge of Goal, to give effect to sentences of Courts Martial, on delivery of the Offender with a Copy of his sentence.

An Act for regulating the execution of sentences of imprisonment passed by Courts Martial in certain cases;

I. It is hereby declared and enacted, that whenever under Act No XXIII. of 1839, any sentence of a Court Martial shall adjudge imprisonment, or imprisonment with labor, for any offence, it shall be the duty of every Judge, Magistrate, Sheriff or other officer in charge of any Gaol, to give effect to such sentence on the offender being delivered into his Custody, and on being furnished with a copy of the sentence by the Officer Commanding the Division, Garrison, Regiment or Detachment, as the case may be, to which the offender belongs.

BOMBAY BANK.

ACT No. III. OF 1840.

Passed on the 17th February, 1840.

1. *Such persons named in Schedule as have paid up their Capital shall together with the Governor in Council, &c. be a Corporation by name of the Bank of Bombay.*

2. *Capital Stock of Bank to be not less than 50 Lakhs of Rupees, nor (except, &c.) more than 56, whereof 3 shall be the property of the Governor in Council. Persons named in Schedule to be proprietors, if their subscribed Stock is paid up before the 1st of April, together with others who may be admitted before the 1st May. Names of those who have not paid up to be cancelled, but not so as to reduce the Stock below 50 Lakhs. Lapsed shares to be sold for and passed to credit of Bank.*

3. *Governor General may authorize the Capital to be increased, allowing the Proprietors 12 months to fill up the Capital among themselves, &c.*

4. *Shares to be 1,000 Rupees each, and numbered: shares from No. 1 to 300 shall be the property of the Governor in Council.*

5. *Notification to be made of Government Share of Stock being paid up, and of names of Proprietors who have paid up. Bank to begin business from date of notifivation. Bank may sue and be sued by Corporate name, use a Common Seal, and acquire and transfer any description of property.*

6. *First subscriptions to be paid to Sub-Treasurer of the Government, and by him held as a deposit, until notification, when he will deliver the amount to the Directors.*

7. *Directors shall deliver a certificate, signed by 3, to each proprietor either for each share separately or for all his shares, or for any number.*

8. *No Proprietor to increase his Stock beyond one lakh and sixty thousand, except in case of increase of Capital Stock, in which case he may subscribe to increased Stock, in rateable proportion, and except by succession, bequest, or marriage.*

9. *Shares to be personal estate transferable by endorsement under the hands of the proprietor or his agent. Endorsement not to be effectual unless registered. Registration to be noted on endorsement.*

10. *The Corporate body shall consist of the registered proprietors for the time being.*

11. *Business of Bank shall be managed by nine Directors, three to be appointed by the Governor in Council, and sixty by the Proprietors at a General Meeting, and removeable in same manner.*

12. *Directors of Bank to be three persons appointed by Governor in Council and six by shareholders. Twelve shares to qualify for office of Director. Shareholders to vote in person or by proxy.*

13. *Two of the six Directors to go out annually by rotation. Outgoing Directors may be re-elected.*

14. *In case of death, resignation or absence from Bombay for more than three months, General Meeting to be called to elect a successor.*

15. *Directors' qualification to be twelve shares. Director of any Bank issuing notes payable on demand not to be a Director.*

16. *Elections, &c. to be decided by a majority of votes. No person allowed to vote in respect of any share acquired by transfer, &c. except by act of Law, unless transfer made six months before tender of vote.*

17 *Scale according to which proprietors shall vote.*

18. *Governer may vote by proxy, except upon the election or removal of Proprietors and Directors.*

19. *Proprietors may vote at General Meeting by proxy either general or special*

20. *Directors to choose a President from among themselves, &c. who shall have a casting vote.*

21. *Three Directors at least necessary to form a Board; Directors to establish a weekly rotation among themselves.*

22. *All accounts and instruments not under seal, except Cash Notes, shall be signed by three Directors. Bank seal not to be affixed, except in presence of three Directors, who shall also sign.*

23. *Directors may appoint officers to conduct the business of the Bank and to fix the salaries, but the whole establishment not to exceed Rupees* 60,000 *without the authority of a General Meeting.*

24. *Secretary, Treasurer, Head Accountant &c. not to engage in business on his own account as agent.*

25. *Bank shall be engaged only in the kind of business specified in this Section.—Kind of business.*

26. *Bank shall neither discount, nor make loans, unless it has Cash equal to one-fourth of debts payable on demand.*

27. *Bank not to discount Security having more than three months to run, nor lend for longer period than three months, nor lend on Bank shares, nor on mortgage, nor on any security having less than two firms or individuals responsible upon it, beyond three Lakhs. Advances on Government Securities excepted.*

28. *Directors to make no loan except as above described, except on deposit of Public Securities to the full amount of the loan, &c.*

29. *Bank shall not be in advance to Government more than 7½ Lakhs.*

30. *No person to be suffered to overdraw his account.*

31. *Bank may issue Promissory Notes payable on demand or not exceeding* 30 *days sight; but total amount in circulation not to exceed two Crores of Rupees. No notes to be for less than ten Rupees.*

32. *Bank not to make, &c. any note, &c. payable out of the limits of India.*

33. *Goods not of a perishable kind may be received in deposit.*

34. *Bank Books to be balanced on the 30th June and December. Balance sheet to be transmitted to one of the Secretaries of Government, &c.*

35. *An account of the profits shall be taken on the 1st January and July, and dividend made as soon after as conveniently can, &c.*

36. *General Meeting to be held first Monday in August for receiving statement of affairs, &c.*

37. *Three Directors or ten Proprietors may convene a General Meeting upon giving 15 days notice.*

38. *Branch Banks may be established with sanction of Governor in Council.*

39. *Dividends may be retained in payment of debts from Shareholders. Bank may refuse to register transfer of share of person indebted to Bank, and may sell share in satisfaction of debt.*

40. *Bank as now constituted to continue till April 1837, but not to be dissolved then or afterwards, except upon application or consent of Bank. Privileges to be forfeited if Bank suspends Cash payments.*

For the Incorporation of a Bank at Bombay.

Whereas the Hon'ble Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the Affairs of India, have sanctioned the Establishment of a Bank at Bombay on the same principles as were prescribed for and have been observed in the re-incorporation of the Bank of Bengal, by Act No. VI. of 1839: and whereas the said Court of Directors have directed the body of Proprietors in existence at the date of the dispatch which contained the said sanction for the incorporation of a Bank of Bombay to be the Proprietors in whose favor the Act of Incorporation is to be passed :—

It is therefore hereby enacted, that from the 1st day of April next ensuing, in the year of our Lord 1840, the persons whose names are included in the Schedule hereunto annexed, provided that they, with the Government of Bombay on the part of the East India Company, have paid up the amount of Capital Stock subscribed by them respectively, or such of them as have so paid up their subscriptions shall, together with the Governor in Council for the time being of the Island and Presidency of Bombay, be a corporation, body corporate and politic, by name of the Bank of Bombay, with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided however that it shall be lawful for the Governor General of India in Council, at any time before the 1st May next,

to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Bombay, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall in amount not be less than Fifty Lakhs of Rupees, nor, unless increased as hereinunder provided, more than Fifty-six Lakhs, whereof Three Lakhs of Rupees shall be the property of the Governor in Council of Bombay, and the persons whose names are in the Schedule hereunto annexed, shall, provided that the amount of Stock subscribed for by them be paid up on or before the 1st April next, be Proprietors of the shares of the said Capital Stock set against their names respectively, together with any further persons whose claims shall be admitted before the 1st May next, on their paying up the Stock to which they may be so admitted upon or before the said 1st May next. And if any of the Proprietors named in the said Schedule shall not have duly paid up in full the amount of Capital Stock to which he or they are entitled, the shares of such Stock that may be so unpaid, (provided that the total amount that may so lapse do not reduce the Capital Stock of the Bank below the sum of Fifty Lakhs of Rupees,) shall be cancelled. And if the lapsed shares cause the aggregate of the Capital Stock to be less than Fifty Lakhs of Rupees, then so much Stock as may be necessary to complete that sum, shall be sold by public Auction in Lots of One Thousand Rupees, on such date not being later than the 1st of May next, as may be fixed by the Governor in Council of Bombay, and the amount realized at such sale, after making good the Capital Stock, shall be passed to credit as a profit at the disposal of the Bank.

III. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an order duly published in the Government Gazettes of Calcutta and of Bombay, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of Capital, as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in

what manner and form the Proprietors shall subscribe and pay into the said Bank the proportion of new stock to which they may respectively be entitled; and also to make such order and direction as to him the said Governor General in Council may seem fit, for the disposal of the amount of new stock that may not be subscribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

IV. And it is hereby enacted, that the Capital Stock of the Bank of Bombay shall be divided into shares of One Thousand Rupees each, which shall be numbered accordingly, and three hundred of the said shares, numbered from No. 1 to 300, shall be the property of the Governor in Council of Bombay, and the remainder shall be the property of the Proprietors who may pay up the same, and no separate interest or share in the Stock of the said Bank of less amount than One Thousand Rupees shall be created or held by any Proprietor, and if at any time the Capital of the said Bank shall be increased, the new Stock added thereto shall in like manner be divided into shares of One Thousand Rupees each, and no Proprietor shall be entitled to claim a share of such new Stock of less amount than One Thousand rupees.

V. And it is hereby enacted, that on the said 1st day of April 1840, or on some early day after that date, the Governor in Council of Bombay shall notify in the Official Gazette of that Presidency, that the Government share of the Capital Stock of the Bank of Bombay has been paid up, and shall publish in the said Gazette a list of the Proprietors by whom the shares of the said Capital Stock subscribed for by them respectively have been paid, and the Bank of Bombay being incorporated as above provided, shall, from the date of such notification, be opened for the transaction of all manner of business authorized by this Act; and the said Bank shall and may sue, and be sued, by its Corporate name, and shall and may use such common Seal as the Directors of the said Bank shall, from time to time, appoint, and shall be competent to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VI. And it is hereby enacted, that payment of the amount of subscriptions to the Capital Stock shall be to the Sub-Treasurer of

the Government of Bombay for the time being, who will grant receipts for the same, and hold the amount as a deposit in the Treasury until the publication by the Governor in Council of Bombay of the notification prescribed in Section V. of this Act, when he will deliver the amount so subscribed to the Directors of the Bank to be appointed as hereinafter provided.

VII. And it is hereby enacted, that after the said delivery of the amount of Capital Stock to the Directors of the Bank, the receipts granted by the Sub-Treasurer of the Government of Bombay, in the manner provided in Section VI. of this Act, shall be cancelled, and a certificate, signed by three Directors of the Bank of Bombay, shall be delivered to each Proprietor, and any person who is a Proprietor of more than one share of the Capital Stock may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

VIII. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the amount of One Lakh and Sixty Thousand Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank under the authority of the Governor General in Council, in the manner prescribed in Section III. of this Act; in which case any Proprietor holding Stock to the full amount of One Lakh and Sixty Thousand Rupees shall notwithstanding be entitled to subscribe to the increased Capital Stock in a rateable proportion, and excepting any addition to his interest in the said Capital Stock arises from succession, bequest or marriage.

IX And it is hereby enacted, that the said share or shares of the Capital Stock of the said Bank shall be of the nature of personal estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the certificates thereof respectively, under the hand of the Proprietor or Proprietors, or his, her, or their Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made; provided that no such endorsement shall be effectual to transfer any such share or shares until such endorsement shall have been registered at the Bank of Bombay, and such registration shall have been noted on such endorsement,

under the hand of an officer appointed for that purpose by the Directors of the said Bank.

X. And it is hereby enacted, that the said Corporate body of the Bank of Bombay shall consist and be composed of the Registered Proprietors for the time being of the said shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removable by the Governor in Council of Bombay and the remaining six shall be elected by the General Meeting of the Proprietors of the said Bank, and shall be removable by vote of the majority of a General Meeting of the said Proprietors.

XII. And it is hereby enacted, that the first Directors of the said Bank of Bombay shall be such three persons as may be appointed by the Governor in Council of Bombay to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule annexed to this Act, and who, being entitled to not less than twelves shares or Twelve Thousand Rupees of the Capital Stock of the said Bank, shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule, to be held in the Town Hall of Bombay, at such time as the Governor in Council of Bombay may fix by public Notification in the Official Gazette of that Presidency; and the election shall be made by the persons who, according to the Schedule hereunto annexed, may be entitled to shares of the Capital Stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of Stock respectively held by them, as if they were Proprietors to all intents and purposes of the shares for which they are entitled to subscribe, and the Directors so appointed shall appoint Officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation; and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes, the two Directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XIII. And it is hereby enacted, that two of the six Directors

elected as provided in Section XII. and to be elected by the Proprietors, shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead; provided always, that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Bombay for more than three months, or disqualification under Section XV. or removal as aforesaid of any Directors elected as provided in Section XII. or to be elected by the Proprietors after the incorporation of the Bank of Bombay, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the same place in rotation above mentioned in which the late Director was.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right and unincumbered of twelve shares of 12,000 Rupees of the capital Stock of the Bank of Bombay; or who shall be a Director of any other Bank issuing notes payable on demand within the Town or Island of Bombay.

XVI. And it is hereby enacted, that at a General Meeting of the Proprietors every election, and other matter in question, shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any share of the said Capital Stock acquired by transfer or purchase, or otherwise, than by the Act of Law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XVII. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale:—

The Proprietor of	4	shares of	1,000 Rs.	shall be	entitled to	1 vote,
"	20	"	"	"	"	2
"	40	"	"	"	"	3
"	60	"	"	"	"	4
"	80	"	"	"	"	5
"	120	"	"	"	"	6
"	160	"	"	"	"	7

and no Proprietor shall be entitled to more than seven votes.

XVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Bombay may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XIX. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting, may give a proxy in writing, either general or special, under his, her, or their hand, or the hand of his, her, or their attorney duly authorized, to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matter or matters as shall be authorized by the tenor of such proxy.

XX. And it is hereby enacted, that at the first Meeting of the Directors in every year, they shall choose a President from among themselves, and if the Office of President shall become vacant, they shall, at their next meeting, choose a successor for the remainder of the current year, and that during any vacancy, or in the absence of the President, the senior Director shall be Vice President for the time, and that such President or Vice President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors, provided always that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXII. And it is hereby enacted, that all accounts of the said Bank, and all instruments not under seal, whereby the said Bank can in any manner be bound, except the cash notes of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not

be affixed to any instrument except in the presence of three Directors, who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors such instrument shall be of no validity.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not, in any one year, exceed 60,000 Rupees, without authority from the General Meeting of the Proprietors.

XXIV. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Bombay, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or Act as a Broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty, in the sum of 50,000 Rupees.

XXV. And it is hereby enacted, that the said Bank of Bombay shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is to say:—

1st. The discounting of Negotiable Securities.

2nd. The keeping of Cash Accounts, including the realization of Dividends and Interest on Government Securities to the credit of Constituents of the Bank.

3rd. Buying and selling of Bills of Exchange payable in India.

4th. The lending of Money on short loans.

5th. The buying and selling of Bullion.

6th. The receiving of Deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of Property or Securities deposited in the Bank as Security for loans and not redeemed, or of property or securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security, and make no loan, unless the amount of cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months; and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on Mortgage, or in any other manner on the Security of any Lands, Houses, or immovable Property, nor on any Negotiable Security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual, or partnership firm, either by way of discount, loan, or in any other manner, (saving by loans upon the deposit of Government Securities, or goods not perishable as hereinafter mentioned,) beyond the amount of Three Lakhs of Company's Rupees; Provided always that the advances upon Bills of Exchange accepted by the Government or upon other Government Obligations, shall not be considered as an advance within the meaning of this restriction.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the clause next preceding, except on deposit of Public Securities to the full amount of the loan, and which Public Securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bombay, or on deposit of Goods not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than Seven Lakhs and a half of Company's Rupees; provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government, or of other Government Acceptances or Obligations

derived to the said Bank from individuals, and not overdue, or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this Clause.

XXX. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not suffer any person or persons, or body corporate keeping cash with the said Bank of Bombay, to overdraw his, her, or their account.

XXXI. And it is hereby enacted, that the said Bank of Bombay may issue Promissory Notes payable either on demand, or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf, provided always that the total amount of such notes in circulation at any one time shall not exceed Two Crores of Rupees, and provided also that no such Note shall be for a smaller amount than Ten rupees.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any Note, Bill, or other instrument containing any promise, undertaking, or order, for the payment of money elsewhere than within the limits of India.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bombay to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Bombay, and that the Governor in Council of Bombay shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXV. And it is hereby enacted, that an account of the pro-

fits of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank, on the ground of the actual profits made by the said Bank during the six calender months preceding the day up to which such half-yearly account shall be taken ; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation shall, upon being audited and admitted by the said Directors, be paid out of the funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors; and provided that the said Directors shall have power, when they see fit, to set apart from such profits, a sum not exceeding five per cent. on the Capital Stock of the Bank as a reserve against contingencies.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a Statement of the affairs of the said Bank made up to the preceding 30th of June, and such General Meeting shall be competent to pass resolutions and frame rules and directions relative to the affairs and conduct of the said Bank, which shall be binding on the Directors and Officers of the Bank, and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank, may at any time convene a General Meeting of the Proprietors, upon giving fifteen days previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the Official Gazette of Bombay.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bombay, with the sanction of the Governor in Council

of Bombay, to establish Branch Banks at such places, and under such rules and restrictions, as shall be determined by the Proprietors at their General Meetings; provided however that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Bombay, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Bombay by this Act.

XXXIX. And it is further enacted, that if any of the said Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares of such Proprietor registered as his or her own property, and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such Proprietor, or his or her constituted Agent, or by public advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor until payment of such debt, and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or his or her lawful representative.

XL. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of April which will be in the year of our Lord 1847, and shall thereafter continue in like manner until duly dissolved or modified; provided however, that after the said 1st day of April, 1847, the said Bank shall not, except upon the application or by the consent of the said Bank, be dissolved, or any wise modified, without previous notice of twelve months at the least being given to the Directors of the said Bank

for the time being, of such intended dissolution or modification. Provided also, that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

Schedule of the Names of the Shareholders in the Bank of Bombay.

Ayrton, F.	.. 14	Brought forward,	.. 484
Atkinson, Hugh,	.. 5	Beck, W. W.	.. 1
Ashburner, Luke,	.. 75	Bail, H.	.. 2
Ashburner, George,	.. 75	Bocarro, J. J.	.. 1
Anderson, C. W.	.. 23	Bird, James,	.. 14
Aganoor, James,	.. 1	Bruce, W. C.	.. 9
Arnott, F. S.	.. 1	Brown, F. C.	.. 9
Allan, Wm.	.. 9	Burt, Thomas William	.. 14
Asponkerjee, Dossaboy,	.. 1	Burjojee Manockjee Chenae,	2
Atmaram Kesson Bhandaree,	20	Bappoo Ragoonath Josey,..	3
Aga Mohomed Currim,	.. 9	Bhasker, Sunderjee,	2
Aga Mohamed Rahim Serazee	23	Byramjee Dadabhoy Cursetjilah.	.. 3
Anundrow Vencajee,	.. 5	Byramjee, Solabjee Guzdeer,	9
Ardaseer Hormusjee Santook,	1	Buchoobhoy Merwanjee, ..	3
Anundrow Ragoonathjee, ..	2	Bowany Sunker Ransord Senoy,	.. 2
Anundro Gunput Senoy, ..	2	Bomanjee Muncherjee Guzurat,	.. 2
Ardaseer Framjee Dawar, ..	5	Bhimjee Dhunjee Woomrigur,	9
Ardaseer Byramjee Fuckerjee,	2	Caujee Chatoor,	.. 14
Bagnold, Colonel, M. E. ..	20	Cowasjee Manikjee,	.. 1
Bax, John,	.. 11	Church, W.	.. 50
Brown, F. C.	.. 23	Cowasjee Narrabhoy,	.. 5
Bainbridge, J. H.	.. 75	Cogan, Captain R	.. 20
Brooks, Colonel G. B.	.. 9	Caldecott, John,	.. 10
Barr, Colonel D.	.. 20	Clibborn, Capt. Thomas,	.. 5
Barr, H. J.	.. 3	Coghlan, W.	.. 9
Barr, J. T.	.. 2	Cardwell, Thomas,	.. 10
Byramjee Muncherjee,	.. 1	Collett, L. A.	.. 9
Bonamy, Captain J.	.. 23		
Borradaile, H.	.. 23		
Baretto, Joao	.. 1		
Carried forward,	.. 484	Carried forward,	.. 702

Brought forward,	..702
Cursetjee Ardaseer,	.. 75
Cursetjee Ardaseer, Trustee to his Daughter,	.. 75
Cursetjee Cowasjee Banajee,	50
Cowasjee Manookjee Billiah,	1
Cowasjee Manookjee Bhaudoop,	.. 75
Cursetjee Cowasjee Bhadoop,	50
Cowasjee Hormusjee Mama,	5
Cursetjee Dorabjee,	.. 2
Cursetjee Rustomjee,	.. 2
Campbell, Major Neil,	.. 9
Cowasjee Dhunjee,	.. 2
Cursetjee Nasserwanjee,	.. 7
Chedanund Dennsejee,	.. 1
Cowasjee Eduljee Mody,	.. 5
Cristnath Narronjee,	.. 9
Cowasjee Framjee	.. 5
Dickenson, Colonel	.. 23
Dadaboy Rutunjee,	.. 4
Dinshaw Nanabhoy Damon,	5
Davies, J. M.	.. 5
Doveton, Bazett,	.. 18
Dhunjeebhoy Cursetjee,	.. 5
Davidson, F. M.	.. 20
Dossabhoy Framjee Mama,	5
Dinshaw Furdonjee,	.. 9
DeSilva, Mariana,	.. 1
De[illegible]us, Manoel,	.. 5
Don, James,	.. 9
Deos Remedies Ignacio,	.. 2
Dorabjee Muncherjee,	.. 3
Dossabhoy Merwanjee,	.. 5
Dossabhoy Cursetjee Wadia,	5
Dossabhoy Jamsetjee,	.. 5
Carried forward,	..1204

Brought forward,	.1204
DeSilla, Pascoal M.	.. 10
Dossabhoy Sorabjee Moonshee	9
Dossabhoy Jamsetjee Wadia,	5
Dent, C. R.	.. 9
Denhaw Hurmusjee Patell,	2
Dhunjeeboy Merwanjee Wadia,	.. 5
Davidson, Duncan,	.. 2
Dedshaw Rustomjee,	.. 3
Denshaw Dadaboy Gandee,	1
Daughters, 6, of Framjee Cowasjee,	.. 27
Dadabhoy Pestonjee,	.. 75
Egan, J. B.	.. 9
Elliot, A. W.	.. 2
Eisdale, D. A.	.. 8
Elliot, G. L.	.. 9
Earle, Captain E. M.	.. 1
Ennis, Captain E. M.	.. 1
Edmond, Wm.	.. 18
Eduljee Framjee Coranee,	.. 3
Fraser, Simon,	.. 70
Framjee Nanabhoy,	.. 5
Frith, J. G.	.. 24
Fletcher, Alexander, as Trustee of Messrs. Fergusson, Turner and Co.	.. 75
Furdonjee Lunjee,	.. 10
Framjee Nasserwanjee,	.. 9
Framjee Ruttonjee,	.. 19
Framjee Cowasjee,	.. 67
Foster, Captain Robert,	.. 9
Framjee Jewajee Gandena,	.. 9
Framjee Muncherjee Colah,	9
Framjee Coonverjee,	.. 2
Carried forward,	..1711

Brought forward,	.. 1711
Framjee Nasserwanjee Patell,	20
Fearon, Colonel P.	.. 23
Framjee Cowasjee, Mrs.	... 14
Fraser, J.	... 18
Fraser, H. B. (C. S.)	... 14
Gordon, H. G.	... 75
Graham, John,	... 10
Greenhill, David,	... 75
Grey, W. S.	... 45
Gunput Bapsia Bhandaree,	7
Gama, J. C.	... 9
Griffith, Colonel J. G.	... 7
Gunputron Sudaseerjee,	... 2
Gordon, Colonel G. T.	... 23
Grand Children of Framjee Cowasjee,	... 18
Hunter, Walter,	... 29
Hunter, W. F.	... 20
Henderson, Capt. W.	... 50
Henderson, Alex.	... 9
Henderson, Dr.	... 5
Hyslop, J.	... 3
Hurmusjee Perstonjee Bottlewalla,	... 2
Hormusjee Pestonjee,	.. 3
Hemson, John,	.. 1
Howard, Wm.	.. 10
Hormusjee Monockjee Major,	2
Hutchinson, Frederick,	.. 3
Heerjeebhoy Nursungjee,	.. 1
Hebbert, W. G.	.. 2
Hall, Capt. J. H.	.. 1
Hollings, Lieut. G. E.	.. 9
Hutt, B. Esq.	.. 2
Ironside, Hon'ble Edward,	.. 50
Carried forward,	.. 2273

Brought forward,	.. 2273
Ingle, H.	.. 3
Jehangeer Nasserwanjee Wadia,	.. 20
Jameson, Capt. G. J.	.. 5
James, Col. C. B.	.. 15
Jeejeebhoy Dadabhoy,	.. 19
Jeejeebhoy Byramjee,	.. 2
Jehangeer Framjee Josawalla,	9
Jehangeer Byramjee,	.. 5
Jemetjee Merwanjee Cacah,	2
Jaganath Sunkersett,	.. 68
Jehangeer Nasserwanjee Wadia, for his Sister Soneboy,	18
Jamsetjee Burjosjee,	.. 1
Jehangeer Framjee Cowasjee,	9
Jamardonjee Abbajee,	.. 1
Kennett, Capt. V. F.	.. 5
Keshow Runsordjee,	.. 5
Kennett, Col. B.	.. 9
Kennedy, R. H.	.. 9
Khemchund Hureechund,	.. 5
Khemchund Moteechand,	.. 23
Luis, Thomas,	.. 1
Little, James,	.. 10
Lela Mohun Pasta,	.. 5
Landon, S.	.. 2
Larkins, J. P.	.. 23
Lindsay,	.. 22
Le Messurier, A. S.	.. 9
Langford, J. W.	.. 27
Lodwick, Colonel P.	.. 45
Lowjee Muncherjee Wadia,	23
Loyola Ge Ignacio,	.. 1
Merwanjee Dadabhoy Wadia,	14
Malcolm, Capt. Sir Charles,	10
Carried forward,	.. 2698

Brought forward,	..2698
Moor, Major G.	.. 20
Mackie, Wm.	.. 50
Manokjee Nowrojee,	.. 10
Morris, W. R.	.. 37
Morgan, E. C.	.. 75
Madoo Narron,	.. 50
Murphy, R. X.	.. 14
Manockjee Nasserwanjee Petty,	.. 10
Mainwaring, W.	.. 6
Mant, G. J.	.. 5
Milne, John, Jr.	.. 21
McLeod, John	.. 5
McDonald, J. M.	.. 25
Muncherjee Framjee Cama,	45
Merwanjee Lunjee,	.. 5
Merwanjee Hormasjee,	.. 5
Muncherjee Burgorjee Mody,	11
Muncherjee Hormasjee Cama,	11
Merwanjee Khodabux,	... 23
Morgan, Capt. W.	.. 18
Manockjee Cursetjee Jewajee	9
McCallum, Wm.	.. 9
McMahon, Capt. B.	.. 9
Mackinlay, Capt. J. H.	.. 36
Munro, C. G. G.	.. 1
Munmohun Dass Davidass,	18
Manockjee Cursetjee,	.. 3
Madowrow Rogoonathjee,	.. 2
Murray, J.	.. 9
Mackenzie, Rebecca	.. 9
Moyle, J. G.	.. 9
Malvery, J. J.	.. 4
Moyle, Dr. A.	.. 9
Manockjee Muncherjee,	.. 1
Carried forward,	3272

Brought forward,	..3272
Manockjee Lunjee,	.. 5
Merwanjee Framjee,	... 4
Merwanjee Byramjee Luckaree,	. 1
Merwanjee Aspondiarjee,	.. 9
Miller, John,	.. 45
McLennan, John,	.. 23
Newport, Capt. C.	.. 50
Nesserwanjee Eduljee Paruck,	.. 2
Nicol, J. D.	.. 25
Nanabhoy Nowrojee,	.. 8
Nesserwanjee Nowrojee,	.. 18
Nowrojee Cowasjee,	.. 2
Nainsey Thackersay,	... 5
Naylor, Capt. C. J.	.. 2
Norowjee Rustomjee Nadarshaw,	.. 4
Owen, H. F.	.. 33
Ogilvie, Col. J.	.. 30
Owen, Mrs. H. F. (her Trustees,)	.. 15
Orton, J.	... 14
Ord, Capt. Richard	.. 9
Ottley, W. J.	.. 2
Palanjee Pestonjee,	.. 9
Pollexfen, George,	.. 18
Penley, Capt. G. F.	... 5
Patch, James,	.. 61
Patch, John,	.. 5
Powell, Col. Thomas,	.. 23
Powell, Col. S.	.. 18
Pestonjee Framjee,	.. 4
Pestonjee Cursetjee Cama,	.. 2
Pestonjee Dadabhoy Wadia,	8
Carried forward,	..3731

Brought forward, ... 3731	
Pallonjee Dhumjee, .. 5	
Phillips, J. L. .. 9	
Pestonjee Hormusjee Mama, 5	
Pestonjee Hormusjee (Andison,) .. 5	
Pestonjee Hormusjee Santook, 1	
Preedy, H. W. .. 1	
Pringle, Capt. A. W. .. 9	
Poondlick Ramsord Leony, 1	
Palonjee Eduljee, .. 9	
Paul, Capt. G. J. C. .. 9	
Pestonjee Framjee Cowasjee, 9	
Pestonjee Rustamjee, .. 5	
Pottinger, Col. Henry .. 20	
Premjeewan Anoopdass, .. 18	
Pew, Major G. L. .. 68	
Prinsep, G. A. .. 45	
Pursotum Dass Pranjeewandas, .. 27	
Richmond, F. R. .. 10	
Robertson, Col. Archibald .. 75	
Robertson, Major H. D. .. 15	
Robertson, Hy. Morres, .. 23	
Roberts, Walter .. 10	
Ross, John .. 18	
Ragoonath Crustna Jesoy, .. 4	
Rowland, Capt. J. H. .. 23	
Rose, Capt. W. .. 5	
Robson, Thomas, .. 1	
Rustamjee Sorabjee Mody, .. 1	
Ruttunjee Dadabhoy Cola, .. 54	
Ruttunjee Cursetjee, .. 3	
Rogaba Jeemajee .. 5	
Roganath Hurreechundie, .. 5	
Rogoonath Samoo Senoy, .. 2	
Carried forward, .. 4231	

Brought forward, .. 4231	
Rustomjee Hormusjee Cama, 1	
Reynolds, P. A. .. 9	
Santokejee Nanabhoy, .. 5	
Spiller, Major W. .. 10	
Scott, Dr. J. .. 5	
Spratt, Captain W. .. 14	
Smauson, Captain J. .. 24	
Skinner, John, .. 50	
Stuart, G. A. .. 9	
Sorabjee Cowasjee, .. 9	
Sinclair, James, .. 40	
Simson, Wm. .. 20	
Salter, General James F. .. 27	
Smyttan, George, .. 18	
Scott, John, ... 9	
Succaram Rogoonath Jasry, 2	
Sorabjee Rustamjee, . 8	
Sorabjee Dorabjee, .. 3	
Sapoorjee Sorabjee Patell, .. 2	
Seitz, Mrs. M. A. R. .. 1	
Seton, Captain Bruce, .. 9	
Saunders, Captain J, .. 2	
Sorabjee Eduljee Majoma, . 3	
Sunker Venoo Senoy, .. 1	
Smith, Robert .. 50	
Saunders, Frederick .. 3	
Saunckloll Virzoll, .. 9	
Simson, J. B. .. 19	
Stubbs, W. .. 9	
Stewart, C. S. .. 23	
Stewart, Alexander .. 5	
St. John, Robert .. 1	
Sutherland, G. .. 3	
Tarah Suxumah, .. 5	
Tamer, Thomas .. 4	
Carried forward, .. 4643	

Brought forward,	..4643
Turner, Capt. W.	.. 4
Tarrachaund Vassoonjee,	.. 5
Thomson, W.	.. 27
Truscott, C. H.	.. 45
Tyler, W. H.	.. 18
Valiant, Colonel T.	.. 9
Vaughan, J. Esq.	.. 18
Venerajee Mirjee,	.. 14
Vebart, John	.. 18
Wright, J.	.. 25
Willoughby, J. P.	.. 25
Wood, Col. E. M.	.. 20
Wood, Col. E. M. (as Trustee for Mrs. H. Morgan,)	.. 30
Wuckutchund Cooshalchund,	.. 27
Wathen, W. H.	.. 25
Carried forward,	.. 4953

Brought forward,	..4953
Williamson, Thomas	.. 38
Whitehill, Colonel Stephen,	18
Wassodew Wissoanathjee,	.. 5
Wittoba Wassodewjee,	.. 1
Watson, H. B.	.. 3
Watson, J. W.	.. 9
Wiltshire, Colonel Thomas,	68
Wight, Robert	.. 9
Ward, Mary Ann	.. 11
Watkins, F. W.	.. 5
Wilson, J. H. Captain	... 5
Wilson, P. P. Lieut. Col.	.. 2
Waddington, Captain C.	.. 45
Weeks, F. P.	.. 9
Warden, John	.. 9
Young, D. A.	... 18
	5208

NOTE.—In the event of the death before the 1st April, 1840, of any individuals in the above Schedule, the shares against their names shall be the property of their Estates.

BENGAL.

ACT No. IV. OF 1840.

[*Passed on the* 17*th February*, 1840.

1. *Repeals Regulation* 49, 1793; *Regulation* 14, 1795; *Regulation* 32, 1803; *Section* 5, *Regulation* 6, 1813; *Regulation* 15, 1824; *Regulation* 2, 1829; *and so much of any Regulation extending the above, &c.*

2. *If Magistrate is certified of a probable breach of peace from dispute concerning any Land, Water, &c. he shall record a proceeding, &c. and call all parties concerned to attend his Court, &c. and to state their claims, &c. Magistrate, without reference to the merits, shall ascertain who was in possession, and declare him entitled to retain, until duly ousted, &c.*

3. *Magistrate, if unable to satisfy himself as to who was in possession, may attach the subject of dispute until the rights are determined, &c.*

4. *Magistrate to Summon parties complained against for having taken forcible possession; party complaining to be restored if complaint is substantiated, until the right is determined.*

5. *In case of newly formed Land whereof no one ever had possession, Magistrate shall award possession to party entitled.*

6. *Disputes concerning use of Land are to be decided in like manner, subject to trial of right of user. Magistrate not to interfere unless right has been exercised within three months, &c.*

7. *Persons opposing by force the execution of orders under this Act, &c. and persons aiding and abetting, &c. to be imprisoned not exceeding six months, or fined not exceeding 200 Rupees, commutable to imprisonment not exceeding six months.*

8. *Orders under this Act may be appealed against, &c.*

9. *Magistrate, with consent of parties, may refer the matter in dispute to arbitration.*

10. *This Act not to affect the legal exercise of right of attachment or seizure.*

11. *Act not to extend beyond Presidency of Fort William, nor to Straits' Settlements, nor to place within local limits of Supreme Court.*

An Act for preventing Affrays concerning the possession of Land, and for providing relief in cases of forcible dispossession, within the Presidency of Fort William in Bengal.

I. Whereas it is expedient to remove doubts which have arisen upon the interpretation of Regulation XV. of 1824, and to amend the Law for preventing Affrays concerning the possession of Land and for giving relief in cases of forcible dispossession, and to extend it to cases not hitherto provided for, and to make it applicable to persons of every class or description, whether British-born subjects or others.

It is hereby enacted, that Regulation XLIX. of 1793, Regulation XIV. of 1795, Regulation XXXII. of 1803, Section 5, Regulation VI. of 1813, Regulation XV. of 1824, and Regulation II. of 1829, of the Bengal Code, together with so much of any Regulations as extends any of the above Regulations or parts of Regulations to any places within the Presidency of Fort William in Bengal, be repealed.

II. And it is hereby enacted, that whenever any Magistrate or other Officer exercising the powers of a Magistrate may be certified that a dispute likely to induce a breach of the peace

exists concerning any Land, Premises, Water, Fisheries, Crops, or other produce of Land, within the limits of his jurisdiction, he shall record a proceeding, stating the grounds of his being so certified, and shall call on all parties concerned in such dispute (whether Proprietors, dependent Talookdars, Farmers, Under Farmers, Ryots or other persons,) to attend his Court in person, or by agent, within a reasonable time, and to give in a written statement of their respective claims as respects the fact of actual possession of the subject of dispute. And the Magistrate or other Officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to inquire what party was in possession of the subject of dispute when the dispute arose, and after satisfying himself upon that point, shall record a proceeding declaring the party whom he may decide to have been in such possession to be entitled to retain possession, until ousted by due course of Law, and forbidding all disturbance of possession until such time; and if necessary the Magistrate or other Officer as aforesaid shall put such party into possession, and maintain him in possession, until the rights of the parties disputing be determined by a competent Court.

III. And it is hereby enacted, that if the Magistrate or other Officer as aforesaid shall, in the cases mentioned in Section II. of this Act, be unable to satisfy himself as to what party was in possession of the subject of dispute when the dispute arose, he may attach the subject of dispute until the rights of the parties be determined by a competent Court, giving the Collector information of the attachment; and if the subject of dispute be Land, the provisions of Regulation V. of 1827, regarding attachment by order of a Zillah or City Court shall apply to attachments by order of a Magistrate or other Officer as aforesaid made under this Section.

IV. And it is hereby enacted, that if any party shall complain to a Magistrate or other Officer as aforesaid, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops, or other produce of Land within the jurisdiction of such Magistrate or other Officer as aforesaid, whether the same were possessed by such party as Proprietor, dependent Talookdar, Farmer, Under-Farmer, Ryot or otherwise, the Magistrate or other Officer as aforesaid shall require the party

or parties complained against, and any other parties concerned, to appear and make defence in person or by agent within a reasonable time, and if after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent Court, provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim, within one month from the time of such dispossession.

V. And it is hereby enacted, that if, in cases instituted under this Act, the subject of dispute be newly formed Land, whereof it shall appear to the Magistrate or other officer as aforesaid that no party has ever had possession, the Magistrate or other Officer as aforesaid shall award possession to the party to whom the right of possession belongs according to law or custom, and shall maintain that party in possession until the right to possession be determined by a competent Court.

VI. And it is hereby enacted, that if a dispute arises concerning the right of use of any Land or Water, the Magistrate or other Officer as aforesaid within whose jurisdiction the subject of dispute lies, may inquire into the matter, and if it shall appear to him that the subject of dispute was open to the use of the public, or of any person, or of any class of persons, the said Magistrate or other Officer may order that possession thereof shall not be taken or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent Court adjudging him to be entitled to such exclusive possession. Provided that the Magistrate or other Officer as aforesaid shall not pass any such order as aforesaid, if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the inquiry, or in cases where the right of use exists at particular seasons unless such right has been exercised without discontinuance before the dispossession of which complaint is made.

VII. And it is hereby enacted, that any person opposing by

force the execution of an order for possession or use, given under this Act, or refusing obedience thereto, or knowingly contravening the same, as long as it shall remain in legal force, shall, together with all persons aiding and abetting, be liable, on conviction before a Magistrate or other Officer with the powers of a Magistrate, to be sentenced to simple imprisonment for a term not exceeding six months, or to fine not exceeding two hundred Rupees, commutable, if not paid, to a period of simple imprisonment not exceeding six months, or to both imprisonment and fine as aforesaid.

VIII. And it is hereby enacted, that all orders passed under this Act shall be appealable in the usual manner under the Regulations and Laws that are or may be in force relating to appeals from the orders of Magistrates or other Officers exercising the powers of Magistrates.

IX. And it is hereby enacted, that in cases instituted under this Act the Magistrate or other Officer as aforesaid is authorised, with the consent of all the parties, to refer the matter in dispute, so far as it is cognizable under this Act, to an arbitrator or arbitrators for decision, whose award shall be executed as if it were the award of such Magistrate or other Officer as aforesaid.

X. And it is hereby provided that nothing in this Act contained shall affect the legal exercise of any right of attachment or seizure vested by law in any parties.

XI. And it is hereby further provided, that this Act shall not extend to any place beyond the limits of the Presidency of Fort William in Bengal, or to the Settlements of Prince of Wales' Island, Singapore, or Malacca, or to any place situated within the local limits of the jurisdiction of Her Majesty's Supreme Court at Calcutta.

JUDICIAL OATHS.

ACT No. V. OF 1840.

[*Passed on the 24th February*, 1840.

1. *Instead of Oath or Declaration now in use, Hindoos and Mahometans may make affirmation. Form of affirmation.*
2. *False affirmation punishable as Perjury.*
3. *Procuring false affirmation, punishable as subornation of Perjury.*
4. *Act not to extend to Declaration under Act* 21, 1837, *nor to Her Majesty's Courts.*

An Act concerning the Oaths and Declarations of Hindoos and Mahometans.

I. Whereas obstruction to justice and other inconveniences have arisen in consequence of persons of the Hindoo or Mahometan persuasion being compelled to swear by the water of the Ganges, or upon the Koran, or according to other forms which are repugnant to their consciences or feelings;

It is hereby enacted, that except as hereinafter provided, instead of any oath or declaration, now authorized or required by law, every individual of the classes aforesaid within the Territories of the East India Company shall make affirmation to the following effect:

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

II. And it is hereby enacted, that if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing which if the same had been sworn before the passing of this Act would have amounted to perjury, every such offender shall be subject in all Courts to the same punishment to which persons convicted of perjury were subject before the passing of this Act.

III. And it is hereby enacted, that any person causing or procuring another to commit the offence defined in the second Section of this Act shall be subject in all Courts to the same punishment to which persons convicted of subornation of perjury were subject before the passing of this Act.

IV. And it is hereby provided, that this Act shall not extend to any Declaration made under the authority of Act No. XXI. of 1837, nor to any Declaration or Affirmation made in any of Her Majesty's Courts of Justice.

LAW MERCHANT.—BILLS OF EXCHANGE.

ACT No. VI. OF 1840.

[*Passed on the 2nd March,* 1840.

1. *Acceptance to be deemed a general acceptance unless it is expressed to be payable at a place specified " only," or " not otherwise or elsewhere."*

2. *Acceptance insufficient unless it is written on the Bill.*

3. *Bill accepted supra protest for honor, &c. needs not be presented to the acceptor for honor till the next day after it is due, or the day after that, if the acceptor for honor &c. resides in a different place from where the Bill is made payable.*

4. *Bills expressed by the drawer to be payable in any other than the place of residence of the drawee, may, if not accepted, be immediately protested for non-payment in the place where they are expressed by the drawer to be payable.*

5. *Bill or Note made or given for a usurious consideration not to be void in hands of indorsee unless he had actual notice of the usury.*

6. *Act not to affect Bills or Notes which are not governed by the Law of England.*

An Act for the Amendment of the Law concerning the negociation of Bills of Exchange.

I. Whereas it is expedient to extend to the Territories under the Government of the East India Company the amendments of the Law respecting Bills of Exchange contained in the Statutes 58 Geo. 3, Cap. 93—1 and 2 Geo. 4, Cap. 78.—6 and 7 W. 4, Cap. 58.—2 and 3 W. 4, Cap. 98;

It is hereby enacted, that from and after the first day of May, in the year of our Lord 1840, if any person shall accept a Bill of Exchange payable at any other place than at his own place of residence without further expression in his acceptance, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance But if the acceptor shall, in his acceptance, express that he accepts the Bill payable at such other place only,

and not otherwise or elsewhere, such acceptance shall be deemed and taken to be, to all intents and purposes, a qualified acceptance of such Bill, and the acceptor shall not be liable to pay such Bill except in default of payment, when such payment shall have been duly demanded at such other place.

II. And it is hereby enacted, that after the day and year aforesaid no acceptance of any Bill of Exchange drawn within the Territories of the East India Company, shall be sufficient to charge any person unless such acceptance be in writing on such Bill, or, if there be more than one part of such Bill, on one of the said parts.

III. And it is hereby enacted, that it shall not be necessary to present Bills of Exchange accepted supra protest for honor, or having a reference thereon in case of need to the acceptors for honor, or to the referee or referees, until the day following the day on which such Bills of Exchange shall become due, and if the place of address on any such Bill of Exchange of such acceptor or acceptors for honor, or of such referee or referees be other than where such Bill shall therein be made payable, then it shall not be necessary to forward such Bill of Exchange for presentment for payment to such acceptor or acceptors for honor, or referee or referees, until the day following the day on which such Bill of Exchange shall become due.

IV. And it is hereby enacted, that all Bills of Exchange, wherein the drawer or drawers thereof shall have expressed that such Bills of Exchange are to be payable in any place other than the place by him or them therein mentioned to be the place of residence of the drawee or drawees thereof, and which shall not on the presentment thereof be accepted, shall or may be, without further presentment to the drawee or drawees, protested for non-payment in the place in which such Bills of Exchange shall have been by the drawer or drawers expressed to be payable, unless the amount owing upon such Bills of Exchange shall have been paid to the holder or holders thereof on the day on which such Bill would have become payable had the same been duly accepted.

V. And it is hereby enacted, that no Bill of Exchange or Promissory Note that shall be drawn or made after the passing of

this Act shall, though it may have been given for a usurious consideration, or upon a usurious contract, be void in the hands of an Indorsee for valuable consideration, unless such Indorsee had, at the time of discounting or paying such consideration for the same, actual notice that such Bill of Exchange or Promissory Note had been originally given for a usurious consideration, or upon a usurious contract.

VI. And it is hereby provided, that this Act shall not be construed to extend to affect Bills of Exchange or Promissory Notes in any case which, but for the passing of this Act, would not be governed by the law of England, or to extend or alter the Jurisdiction of any of Her Majesty's Courts of Justice.

BENGAL.—JUDICIARY.

ACT No. VII. OF 1840.

[*Passed on the 30th March*, 1840.

Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad may assign to uncovenanted persons appointed to the Offices of Deputy or Assistant Register, any duties of the Register.

An Act for authorizing the appointment of Uncovenanted Servants to the Offices of Deputy Register and Assistant Register to the Sudder Courts of the Presidency of Fort William in Bengal.

It is hereby enacted, that whenever the Governor of Bengal, and the Lieutenant Governor, or other authority exercising the powers of Lieutenant Governor of the North Western Provinces, shall deem it expedient to appoint any persons not being Covenanted Servants, to the Offices of Deputy Register or Assistant Register to the Court of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad respectively, it shall be competent to those Courts to assign to the Officers above named, any duties at present performed by their Registers.

MADRAS.—PUNCHAYET.

ACT No. VIII. OF 1840.

[*Passed on the* 13*th April*, 1840.

Award signed by a majority of a Punchayet valid; the minority entitled to record their reasons for declining to sign it.

An Act concerning the signing of Awards by the Members of Punchayets.

It is hereby enacted that in cases where the minority of the Members of a Punchayet, held under the Provisions of the Madras Code, may decline to sign the award of the Punchayet, the signature or mark of the majority shall be sufficient to give legal validity to the award. Provided always, that in such cases, it shall be incumbent on such majority to admit the minority to record and attest, by their mark or signature; their reasons for declining to sign or mark the award passed by the majority.

ENGLISH LAW AMENDMENT ACT.

ACT No. IX. OF 1840.

[*Passed on the* 20*th April*, 1840.

1. *Extends part of* 3 *&* 4 *W.* 4 *Cap.* 42, *viz., Sections* 26, 29, 39, 40, 41, *to the Territories of the East India Company. If witness is objected to on the ground that the Verdict or Judgment would be admissible in evidence for or against him, witness may be examined and verdict, &c. shall not be admissible for or against him.*

2. *Besides damages in trover, trespass de bonis asportatis, and in actions on policies of insurance, interest may be recovered.*

3. *Power of arbitrator not revocable, if the submission contained an agreement that it might be made a rule of Court.*

4. *A Judge may order attendance of witnesses before arbitrator and production of documents. Witnesses to be paid conduct money.*

5. *Arbitrater may administer oath, &c. to witnesses.*

6. *When Act shall take, effect.*

An Act for amending the law administered in Her Majesty's Courts of Justice with reference to Arbitrations, Damages, and interested Witnesses.

I. Whereas it is expedient to extend to the Territories of the East India Company certain provisions of the statute 3rd and 4th William IV. Chap. 42, whereby remedies have been applied for the uncertainty and imperfections heretofore incident to Arbitrations, for the insufficient damages to which injured parties were limited by the technical forms of certain actions, and for the obstruction to justice frequently occasioned by reason of the legal incompetency of witnesses to give evidence, in consequence of having some interest in the event of the suit to which their testimony relates;

It is hereby enacted, that, in order to render the rejection of witnesses on the ground of interest less frequent, if any witness shall be objected to in any of Her Majesty's Courts of Justice as incompetent on the ground that the verdict or judgment in the action on which it shall be proposed to examine him would be admissible in evidence for or against him, such witness shall nevertheless be examined, but in that case a verdict or judgment in that action in favor of the party on whose behalf he shall have been examined shall not be admissible in evidence for him or any one claiming under him, nor shall a verdict or judgment against the party on whose behalf he shall have been examined be admissible in evidence against him or any one claiming under him.

II. And it is hereby enacted, that the Court, on the trial of any issue, or on any inquiry of damages, in any suit before any of Her Majesty's Courts of Justice may, if it shall think fit, give damages in the nature of interest over and above the value of the Goods at the time of the conversion or seizure in all actions of trover or tresspass *de bonis asportatis* and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act.

III. And it is hereby enacted, that the power and authority of any arbitrator or umpire appointed by or in pursuance of any rule of Court, or Judge's order, or order of reference, in any action now brought or which shall be hereafter brought, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of any of Her Majesty's Courts, shall not be revocable by any party to such reference without the leave of the Court by which such rule or order shall be made, or

which shall be mentioned in such submission, or by leave of a Judge, and the arbitrator or umpire shall, and may, and is hereby required to proceed with the reference, notwithstanding any such revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference, and that the Court, or any Judge thereof may from time to time enlarge the term for any such arbitrator making his award.

IV. And it is hereby enacted, that when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the Court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for any Judge by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience to any such rule or order shall be deemed a contempt of Court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the Arbitrators, or by Umpire, before whom the attendance is required, shall also be served either together with or after the service of such Rule or Order: Provided always that every person whose attendance shall be so required, shall be entitled to the like conduct money and payment of expences, and for loss of time as for and upon attendance at any trial: Provided also, that the application made to such Court or Judge for such Rule or Order shall set forth the place where such witness is residing at the time, or satisfy such Court or Judge that such person cannot be found: Provided also, that no person shall be compelled to produce, under any such Rule or Order, any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days to be named in such order.

V. And it is hereby enacted, that when in any Rule or Order of reference, or in any submission to arbitration containing an agreement that the submission made a rule of Court, it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the Arbitrators or Umpire, or any one Arbitrator, and he or they are hereby authorized

and required to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath, and if, upon such oath or affirmation, any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

VI. And it is hereby enacted, that this Act shall take effect in Calcutta from the day of its passing, and at Madras and Bombay after the expiration of thirty days from such day, and in the Straits Settlements after the expiration of sixty days from such day.

PILGRIM TAXES.

ACT No. X. OF 1840.

[*Passed on the 20th April,* 1840.

1. *Recites the propriety of abolishing Pilgrim Taxes and repeals so much of Section* 31, *Regulation* 12, 1805, *Section* 4, *Regulation* 27, 1793, *as provides for their continuance: also Regulation* 4, 1806; *Regulation* 5, 1806; *Section* 9, *Regulation* 6, 1808; *Regulation* 4, 1809; *Section* 4, *Regulation* 4, 1810; *Regulation* 11, 1810; *and Regulation* 18, 1810.
2. *Saves the authority of the Rajah of Khoorda over the Temple of Juggernath, subject to the rules, &c. of the Temple, and to ancient usage.*
3. *The Rajah of Khoorda not to receive or allow to be received any other than voluntary offerings.*
4. *Rajah, &c. liable to be sued for breach of trust or official misfeasance.*

An Act for the abolition of certain Pilgrim Taxes, and for the superintendence of the Temple of Juggernath.

I. Whereas it is considered proper to abolish the exaction of all taxes or fees upon pilgrims resorting to Allahabad, Gya, and Juggernath, and to transfer the charge of the affairs of the Juggernath Temple exclusively to a competent Hindu Superintendent, under a full responsibility to the established Courts of Justice, for the redress of any violence or wrong, upon the application of any party interested;

It is hereby enacted, that so much of Section 31, Regulation XII. of 1805, as provides for the continuance of the duties levied from Pilgrims at Juggernath;

So much of Section 4, Regulation XXVII. of 1793, as provides for the continuance of the duties levied on Pilgrims at Gya and other places of Pilgrimage;

Reg. IV. of 1806.
Reg. V. of 1806.
Sec. 9, Reg. VI. of 1808.
Reg. IV. of 1809.
Sec. 4. Reg. IV. of 1810.
Reg. XI. of 1810.
Reg. XVIII. of 1810,

are repealed.

II. And it is hereby enacted, that the superintendence of the Temple of Juggernath, and its interior economy, the conduct and management of its affairs, and the control over the Priests, Officers, and Servants attached to the Temple, shall continue vested in the Rajah of Khoorda for the time being; provided always that the said Rajah, and all persons connected with the said Temple shall on all occasions be guided by the recorded rules and institutions of the Temple, or by ancient and established usage, so far as the same may be consistent with the provisions of this Act.

III. And it is hereby enacted, that the said Rajah of Khoorda shall not receive or allow to be received by any person connected with the said Temple, any payment, other than such voluntary donations as may be freely offered, from any person resorting to the said Temple, for the performance of religious ceremonies.

IV. And it is hereby declared and enacted, that the said Rajah, and all Priests, Officers, and Servants attached to the said Temple, are and shall be liable to be sued or prosecuted by any party interested, in any Civil or Criminal Court of competent jurisdiction, for any breach of trust, or official misfeasance, committed in the conduct of their duties, or for any extortion or illegal violence exercised upon Pilgrims or others under color of the authority conveyed by this Act.

BOMBAY.—CRIMINAL LAW.

ACT No. XI. OF 1840.

[*Passed on the 20th April,* 1840.

1. *Modifies Clause 2, Section 45, Regulation 13, 1827. No prisoner to be forced to labor, or be confined solitarily, unless sentence expressly so directs.*

2. *Modifies Clause 1, Section 7, Regulation 14, 1829. Sentence to imprisonment and labor may also direct solitary confinement.*

3. *Act not to apply to convicts undergoing punishment of transportation, nor to persons under restraint, &c. for breaches of prison discipline.*

An Act for the Presidency of Bombay, amending the law concerning Prisoners sentenced to labor or solitude.

I. It is hereby enacted, in modification of Clause II. Section XLV. Regulation XIII. of 1827, of the Bombay Code, that no Prisoner confined in any part of the Provinces under the Presidency of Bombay shall be forced to labor in any manner or be confined solitarily, unless such labor or solitary confinement be expressly directed by the sentence of the Court under whose warrant he is confined, and no Prisoner shall be forced to labor or be confined solitarily otherwise than according to his sentence.

II. And it is hereby enacted, in modification of Clause 1, Section VII. Regulation XIV. of 1829, of the Bombay Code, that wherever under the Laws in force under that Presidency, a Prisoner may be sentenced to imprisonment with labor, it shall be lawful for the Court pronouncing such sentence to direct that solitary confinement be combined with the punishment of imprisonment with labor.

III. And it is hereby provided, that nothing in this Act contained shall be construed to be applicable to Convicts undergoing the punishment of transportation, or to legal restraint or punishment for breaches of prison discipline.

GEORGE TOWN, SINGAPORE AND MALACCA.

ACT No. XII. OF 1840.

[*Passed on the* 8*th June,* 1840.

1. *and* 2. *Extends Act* 12, 1839, *to ground not covered with buildings, and authorises an assessment on such ground at not exceeding* 10 *per cent, within George Town, Singapore and Malacca, and (Section* 2,) *of* 5 *per cent beyond those limits.*

3. *Exempts property of a less annual value than* 10 *Spanish Dollars.*

4. *The provisions of Act* 12, 1839, *applicable to assessments under this Act.*

An Act for extending Act XII. of 1839, (relating to the assessment of dwelling houses and buildings within and beyond the limits of the Towns of George Town, Singapore and Malacca) to grounds not covered with houses or buildings.

I. It is hereby enacted, that from the 1st day of January, in the year of our Lord 1841, an assessment shall be levied on all lands not covered with houses or buildings within the limits of the Towns of George Town, Singapore and Malacca, according to the real annual values thereof at a rate not exceeding ten per cent. of such annual values.

II. And it is hereby enacted, that from the day aforesaid an assessment shall be levied on all property of the nature described in the foregoing Section, but which shall be situated beyond the limits of the aforesaid Towns, at a rate not exceeding five per cent. on the annual rent or value thereof.

III. And it is hereby enacted and provided, that any property which would be subject to assessment as aforesaid, of which the real annual value shall be less than ten Spanish Dollars, shall be exempted from such assessment, if it be the sole assessable property of the owner.

IV. And it is hereby enacted, that all the provisions of Act No. XII. of 1839, applicable to the assessment of houses and buildings shall be applied to the assessment of grounds not covered by houses or buildings, and which are subjected to assessment by this Act.

ENGLISH LAW.—FACTOR'S ACT.

ACT No. XIII. OF 1840.

[*Passed on the 29th June, 1840.*

Extends the Statute 4, Geo. 4, Cap. 83, as altered by Stat. 6, Geo. 4, Cap. 94, to the territories of the East India Company. Saving cases not governed by English Law, and the jurisdiction of Her Majesty's Courts.

Act 4, Geo. 4, Cap. 83.

1. *Persons in whose name goods shall be shipped, shall be deemed the owners so as to entitle Consignees to a lien thereon.*

2. *Any person may take goods or bill of lading in deposit from Consignee, but shall not acquire any further right than Consignee possessed.*

3. *Right of owner to follow his goods while in the hands of his agent or of his Assignees in case of Bankruptcy, or to recover them from Assignees, &c. upon paying his advances secured upon them, &c. Proviso as to Bankruptcy of Factor.*

Act 6, Geo. 4, Cap. 94.

1. *Factors or Agents having goods or merchandize in their possession shall be deemed to be true owners so as to give validity to contracts with persons dealing bona fide upon the faith of such property.*

2. *Persons in possession of bills of lading to be the owners, so far as to make valid contract.*

3. *No person to acquire a security upon Goods in the hands of an Agent for an antecedent debt, beyond the amount of the Agent's interest in the Goods.*

4. *Persons may contract with known Agents in the ordinary course of business, or out of that course if within the Agent's authority.*

5. *Person may accept and take Goods, &c. in pledge from known Agents, but shall acquire no further interest than was possessed by such Agent at the time of such pledge.*

6. *Right saved, of true owner to follow his Goods while in the hands of his Agent or of Assignee in case of Bankruptcy, or to recover them from a third person upon paying advances secured upon them. Proviso, in case of Bankruptcy of Factor, the Owner of Goods so pledged and redeemed shall be held to have discharged pro tanto the debt due from him to Bankrupt.*

7. *Agents fraudulently pledging the Goods of their principals to be deemed guilty of a misdemeanor, and may be transported not exceeding 14 years, or be otherwise punished as for a misdemeanor.*

8. *Not to extend to cases in which the Agent has not made the Goods a security for any sum beyond the extent of his own lien. Acceptances of Bills by Agent not to create a lien so as to excuse the pledge unless the Bills are paid when due.*

9. *Act not to extend to partners not being privy to the offence.*

10. *Act not to lessen any remedy at law or equity which party aggrieved may be entitled to adopt.*

An Act for the amendment of the Law regarding Factors, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 4, Geo. IV. Chap. 83, as altered and amended by the Statute 6, Geo. IV Chap. 94.

It is hereby enacted, that the Statute of the 4 Geo. IV. Chap. 83, as altered and amended by the Statute of 6 Geo. IV. Chap. 94, shall be extended to the territories of the East India Company; provided always that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the aforesaid Statutes if this Act had not passed; or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statutes hereby extended to the Territories of the East India Company are as follows.

4TH GEO. IV. CAP. 83.

An Act for the better protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes, intrusted to Factors or Agents. (18th July 1823.)

"Whereas it has been found that the Law, as it now stands, relating to Goods shipped in the names of persons who are not the actual Proprietors thereof, and to the deposit or pledge of Goods, affords great facility to fraud, produces frequent litigation, and proves, in its effects, highly injurious to the interests of Commerce in general." Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of sale, with any Goods, Wares, or Merchandize, and by whom such Goods, Wares, or Merchandize, shall be shipped, in his, her or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by other person or persons, shall be deemed and taken to be the true Owner or

Owners thereof, so far as to entitle the Consignee or Consignees of such Goods, Wares, and Merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize, shall be shipped, or in respect of any money or negotiable security or securities received by him, her or them, to the use of such Consignee or Consignees, in the like manner to all intents and purposes, as if such person or persons was or were the true Owner or Owners of such Goods, Wares, and Merchandize; provided such Consignee or Consignees shall not have notice, by the Bill of Lading for the delivery of such Goods, Wares, or Merchandize or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by any person or persons, is or are not the actual and *bona fide* Owner or Owners, Proprietor or Proprietors of such Goods, Wares, and Merchandize so shipped as aforesaid, any law, usage or custom to the contrary thereof in any wise notwithstanding: Provided also, that the person or persons in whose name or names any such Goods, Wares, or Merchandize are so shipped as aforesaid, shall be taken, for the purposes of this Act, to have been intrusted therewith, unless the contrary thereof shall appear or be shown in evidence by any person disputing such fact.

II. And be it further enacted, that it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to accept and take any Goods, Wares, or Merchandize, or the Bill or Bills of Lading for the delivery thereof, in deposit or pledge from any Consignee or Consignees thereof; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title or interest, in or upon or to the said Goods, Wares, or Merchandize, or any Bill of Lading for the delivery thereof, than was possessed, or could or might have been enforced by the said Consignee or Consignees at the time of such deposit or pledge as a security as aforesaid: but such person or persons, body or bodies, politic or corporate, shall and may acquire,

possess and enforce such right, title, or interest, as was possessed and might have been enforced, by such Consignee or Consignees at the time of such deposit or pledge as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

III. Provided always, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, Proprietor or Proprietors of such Goods, Wares or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been so deposited or pledged, or from the Assignee or Assignees of such Factor or Factors, Agent or Agents, in the event of his, her, or their Bankruptcy; nor to prevent any such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from any person or persons, or of or from the Assignees of any person or persons in case of his or her bankruptcy, or of or from any body or bodies, politic or corporate, such Goods, Wares, or Merchandize so consigned, deposited, or pledged, upon repayment of the money or on restoration of the negotiable security or securities, or on payment of a sum of money equal to the amount of such security or securities, for which money or negotiable security or securities such person or persons, his, her, or their Assignee or Assignees, or such body or bodies, politic or corporate, may be entitled to any lien upon such Goods, Wares, or Merchandize, nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares, or Merchandize, after deducting thereout the amount of the money or negotiable security or securities so advanced or given upon the security thereof as aforesaid. Provided always, that in case of the bankruptcy of such Factor or Agent, the Owner of the Goods so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him to the Bankrupt's estate.

6TH GEO. IV. CAP. 94.

An Act to alter and amend an Act for the better protection of the Property of Merchants and others, who may hereafter enter

into Contracts or Agreements in relation to Goods, Wares, or Merchandizes intrusted to Factors or Agents.

Whereas an Act passed in the fourth year of the reign of His present Majesty, intituled *an Act for the better protection of the property of Merchants and others, who may hereafter enter into contracts or agreements in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents:* And whereas it is expedient to alter and amend the said Act, and to make further provisions in relation to such contracts or agreements, as hereinafter provided: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted for the purpose of consignment or of sale, with any Goods, Wares, or Merchandize, and who shall have shipped such Goods, Wares, or Merchandize, in his, her, or their own name or names, and any person or persons, in whose name or names any Goods, Wares, or Merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true Owner or Owners thereof, so far as to entitle the Consignee or Consignees of such Goods, Wares, and Merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such Consignee or Consignees to or for the use of the person or persons in whose name or names such Goods, Wares, or Merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her, or them to the use of such Consignee or Consignees, in the like manner to all intents and purposes as if such person or persons was or were the true Owner or Owners of such Goods, Wares, and Merchandize, provided such Consignee or Consignees shall not have notice by the Bill of Lading for the delivery of such Goods, Wares or Merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names, or in whose name or names any Goods, Wares, or Merchandize shall be shipped by any person or persons, is or are not the actual and *bona*

fide Owner or Owners, Proprietor or Proprietors of such Goods, Wares, and Merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding: provided also, that the person or persons in whose name or names any such Goods, Wares, or Merchandize are so shipped as aforesaid, shall be taken, for the purpose of this Act, to have been intrusted therewith for the purpose of consignment or of sale, unless the contrary thereof shall be made to appear by bill of discovery or otherwise, or be made to appear, or be shown in evidence by any person disputing such fact.

II. And be it further enacted, that from and after the First day of October one thousand eight hundred and twenty-six, any person or persons intrusted with and in possession of any Bill of Lading, India Warrant, Dock Warrant, Warehouse Keeper's Certificate, Wharfinger's Certificate, Warrant or Order for delivery of Goods, shall be deemed and taken to be the true Owner or Owners of the Goods, Wares, and Merchandize described and mentioned in the said several documents hereinbefore stated respectively, or either of them, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons so intrusted and in possession as aforesaid, with any person or persons, body or bodies, politic or corporate, for the sale or disposition of the said Goods, Wares, and Merchandize, or any part thereof, or for the deposit or pledge thereof, or any part thereof, as a security for any money or negotiable instrument or instruments advanced or given by such person or persons, body or bodies, politic or corporate, upon the faith of such several documents or either of them; provided such person or persons, body or bodies, politic or corporate, shall not have noticed by such documents or either of them, or otherwise, that such person or persons so intrusted as aforesaid is or are not the actual and *bona fide* Owner or Owners, Proprietor or Proprietors, of such Goods, Wares, or Merchandize, so sold or deposited or pledged as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

III. Provided always, and be it further enacted, that in case any person or persons, body or bodies, politic or corporate, shall, after the passing of this Act, accept and take any such Goods, Wares, or Merchandize, in deposit or pledge from any such person

or persons so in possession and intrusted as aforesaid, without notice as aforesaid, as a security for any debt or demand due and owing from such person or persons so intrusted and in possession as aforesaid, to such person or persons, body or bodies, politic or corporate, before the time of such deposit or pledge, then and in that case such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods, Wares, or Merchandize in deposit or pledge, shall acquire no further or other right, title or interest in or upon or to the said Goods, Wares, or Merchandize, or any such document as aforesaid than was possessed or could or might have been enforced by the said person or persons so possessed and intrusted as aforesaid, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, so accepting or taking such Goods Wares or Merchandize in deposit or pledge, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such person or persons so possessed and intrusted as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

IV. And be it further enacted, that from and after the First day of October one thousand eight hundred and twenty-six, it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to contract with any Agent or Agents, intrusted with any Goods, Wares, or Merchandize, or to whom the same may be consigned, for the purchase of any such Goods, Wares, and Merchandize, and to receive the same of and pay for the same to such Agent or Agents; and such contract and payment shall be binding upon and good against the Owner of such Goods, Wares, and Merchandize, notwithstanding such person or persons, body or bodies, politic or corporate, shall have notice that the person or persons making and entering into such contract, or on whose behalf such contract is made or entered into, is an Agent or Agents, provided such contract and payment be made in the usual and ordinary course of business, and that such person or persons, body or bodies, politic or corporate, shall not, when such contract is entered into or payment made, have notice that such Agent or Agents, is or are not authorized to sell the said Goods, Wares, and Merchandize, or to receive the said purchase money.

V. And be it further enacted, that from and after the passing of this Act, it shall be lawful to and for any person or persons, body or bodies, politic or corporate, to accept and take any such Goods, Wares, or Merchandize, or any such document as aforesaid, in deposit or pledge from any such Factor or Factors, Agent or Agents, notwithstanding such person or persons, body or bodies, politic or corporate, shall have such notice as aforesaid, that the person or persons making such deposit or pledge is or are a Factor or Factors, Agent or Agents; but then and in that case such person or persons, body or bodies, politic or corporate, shall acquire no further or other right, title, or interest in or upon or to the said Goods, Wares or Merchandize, or any such document as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said Factor or Factors, Agent or Agents, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies, politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such Factor or Factors, Agent or Agents, at the time of such deposit or pledge as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

VI. Provided always, and be it enacted, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true Owner or Owners, or Proprietor or Proprietors, of such Goods, Wares, or Merchandize, from demanding and recovering the same from his, her, or their Factor or Factors, Agent or Agents, before the same shall have been so sold, deposited, or pledged, or from the Assignee or Assignees of such Factor or Factors, Agent or Agents, in the event of his, her, or their bankruptcy; nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from any person or persons, body or bodies, politic or corporate, the price or sum agreed to be paid for the purchase of such Goods, Wares, or Merchandize, subject to any right of set off on the part of such person or persons, body or bodies, politic or corporate, against such Factor or Factors, Agent or Agents; nor to prevent such Owner or Owners, Proprietor or Proprietors, from demanding or recovering of and from such person or persons, body or bodies, politic or corporate, such Goods,

Wares, or Merchandize, so deposited or pledged, upon repayment of the money, or on restoration of the negotiable instrument so advanced or given on the security of such Goods, Wares, or Merchandize, as aforesaid, by such person or persons, body or bodies, politic or corporate, to such Factor or Factors, Agent or Agents, and upon payment of such further sum of money, or on restoration of such other negotiable instrument or instruments (if any) as may have been advanced or given by such Factor or Factors, Agent or Agents, to such Owner or Owners, Proprietor or Proprietors, or on payment of a sum of money equal to the amount of such instrument or instruments; nor to prevent the said Owner or Owners, Proprietor or Proprietors, from recovering of and from such person or persons, body or bodies, politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such Goods, Wares, or Merchandize, after deducting thereout the amount of the money or negotiable instrument or instruments so advanced or given upon the security thereof as aforesaid: provided always, that in case of the bankruptcy of any such Factor or Agent, the Owner or Owners, Proprietor or Proprietors, of the Goods, Wares, and Merchandize, so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him, her, or them to the Estate of such Bankrupt.

VII. And whereas it is expedient to prevent the improper deposit or pledge of Goods, Wares, or Merchandize, or the documents relating to such Goods, Wares, or Merchandize, intrusted or consigned as aforesaid to Factors or Agents; be it therefore enacted, that if any such Factors or Agents, at any time from and after the said first day of October, one thousand eight hundred and twenty-six shall deposit or pledge any Goods, Wares, or Merchandize, intrusted or consigned as aforesaid to his or her care or management, or any of the said several documents so possessed or intrusted as aforesaid, with any person or persons, body or bodies, politic or corporate, as a security for any money or negotiable instrument or instruments borrowed or received by such Factor or Agent, and shall apply or dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the Owner or Owners of any such Goods, Wares, or Merchandize, every person so offending, in any part of the United Kingdom, shall be deemed

and taken to be guilty of a misdemeanor, and being convicted thereof according to law, shall be sentenced to transportation for any term not exceeding fourteen years, or to receive such other punishment as may by law be inflicted on persons guilty of a misdemeanor, and as the Court before whom such offender may be tried and convicted shall adjudge.

VIII. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to subject any person or persons to prosecution, for having deposited or pledged any Goods, Wares, or Merchandize, so intrusted or consigned to him, her or them, provided the same shall not be made a security for or subject to the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due and owing to such person or persons from his, her, or their principal or principals: Provided nevertheless that the Acceptances of Bills of Exchange by such person or persons drawn by or on account of such principal or principals shall not be considered as constituting any part of such debt so due and owing from such principal or principals within the true intent and meaning of this Act, so as to excuse the consequence of such a deposit or pledge, unless such Bills shall be paid when the same shall respectively become due.

IX. Provided also, and be it further enacted, that the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend or be construed to extend to any partner or partners or other person or persons of or belonging to any partnership, society, or firm, except only such partner or partners, person or persons, as shall be necessary or privy to the commission of such offence; any thing herein contained to the contrary in any wise notwithstanding.

X. Provided also, and be it further enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall hinder, prevent, lessen, or impeach any remedy at Law or in Equity, which any party or parties aggrieved by any offence against this Act might or would have had or have been entitled to against any such offender if this Act had not been made, nor any proceeding, conviction, or judgment had been had or taken thereupon; but nevertheless, the con-

viction of any offender against this Act shall not be received in evidence in any action at law or suit in Equity against such offender: and further that no person shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act, matter, or thing done by him, if he shall at any time previously to his being indicted for such offence have disclosed any such matter or thing on oath, under or in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding, in or to which he shall have been a party, and which shall have been *bona fide* instituted by the party aggrieved by the act, matter, or thing, which shall have been committed by such offender aforesaid.

ENGLISH LAW.—LIMITATIONS.

ACT No. XIV. OF 1840.

[*Passed on the* 29*th June,* 1840.

Extends to the Territories of the East India Company the Statute 9, *Geo.* 4, *Cap.* 14.

1. *In actions of debt or upon the case, no acknowledgment shall be deemed sufficient unless it be in writing, or by part payment. One joint contractor not to lose benefit of Statute by act of co-contractors. Verdict may be given against one and for other co-contractors.*

2. *Upon issue on a plea in abatement, if it appears that the parties not joined are not liable by reason of the Statute of Limitations, the issue shall be found against the party pleading.*

3. *Indorsement or memorandum on note, &c. of any payment shall not be evidence in favor of the party making the indorsement.*

4. *Statutes of Limitation to apply to debts alleged by way of set-off.*

5. *Ratification after full age of a promise made during infancy shall not be good unless it be in writing.*

6. *No person to be charged by reason of any representation, &c. relating to the character, conduct, credit, ability, trade or dealings of any other person, &c. unless made in writing.*

7. *Extends the provisions of the* 17*th Section of the Statute of Frauds to contracts for goods of* £ 10 *or upwards, though the goods were to be delivered or made at some future time.*

8. *No stamp necessary on agreements within the last Section.*

An Act for rendering a written Memorandum necessary to the validity of certain promises and engagements by extending to the

Territories of the East India Company, in cases governed by English Law, the Provisions of the Statute 9, Geo. IV. Cap. XIV.

It is hereby enacted, that the Statute 9, Geo. IV. Ch. XIV. shall be extended to the Territories of the East India Company; provided always, that this Act shall not be construed to effect any case, which would not have been governed by the Law of England before the passing of the aforesaid Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company is as follows (the sum of £10 mentioned therein to be deemed 100 Rupees in the application of the Statute to the aforesaid Territories.)

9th Geo. IV. Cap. XIV.

An Act for rendering a written Memorandum necessary to the validity of certain Promises and Engagements.

9th May, 1828.

Whereas by an Act passed in England in the twenty-first year of the reign of King James the First, it was, among other things, enacted, that all actions of account and upon the case, other than such accounts as concerns the trade of Merchandize between Merchant and Merchants, their Factors or Servants, all actions of debt grounded upon any lending or contract without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament, or within six years next after the cause of such actions or suit, and not after. And whereas a similar Enactment is contained in an Act passed in Ireland in the tenth year of the reign of King Charles the First, and whereas various questions have arisen in actions founded on simple contract, as to the proof and effect of acknowledgements and promises offered in evidence for the purpose of taking cases out of the operation of the said Enactments; and it is expedient to prevent such questions, and to make provision for giving effect to the said Enactments and to the intention thereof. Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same; That in actions of

debt or upon the case grounded upon any simple contract, no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract, whereby to take any case out of the operation of the said Enactments, or either of them, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby, and that where there shall be two or more Joint Contractors, or Executors or Administrators of any Contractor no such Joint Contractor, Executor, or Administrator shall lose the benefit of the said Enactments, or either of them, so as to be chargeable in respect or by reason only of any written acknowledgment or promise made and signed by any other or others of them. Provided always that nothing herein contained shall alter or take away or lessen the effect of any payment of any principal or interest made by any person whatever. Provided also, that in actions to be commenced against two or more such Joint Contractors, or Executors, or Administrators, if it shall appear at the trial or otherwise that the Plaintiff, though barred by either of the said recited Acts or this Act, as to one or more of such Joint Contractors, or Executors or Administrators, shall nevertheless be entitled to recover against any other or others of the Defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given and costs allowed for the Plaintiff as to such Defendant or Defendants against whom he shall recover, and for the other Defendant or Defendants against the Plaintiff.

II. And be it further enacted, that if any Defendant or Defendants in any action on any simple contract shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the said recited Acts, or this Act, or of either of them, be maintained against the other person or persons named in such plea, or any of them, the issue joined on such plea shall be found against the party pleading the same.

III. And be it further enacted, that no Indorsement or Memorandum of any payment, written or made after the time appointed for this Act to take effect, upon any Promissory Note, Bill of Exchage,

or other writing by or on the behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of either of the said Statutes.

IV. And be it further enacted, that the said recited Acts and this Act shall be deemed and taken to apply to the case of any debt on simple contract alleged by way of set off on the part of any Defendant, either by plea, notice, or otherwise.

V. And be it further enacted, that no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

VI. And be it further enacted, that no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given, concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain credit, money, or goods upon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

VII. And whereas by an Act passed in England in the twenty-ninth year of the reign of King Charles the Second, intitled an Act for the prevention of Frauds and Perjuries, it is, among other things enacted, that from and after the twenty-fourth day of June one thousand six hundred and seventy-seven, no contract for the sale of any goods, wares, and merchandizes, for the price of ten pounds sterling or upwards, shall be allowed to be good except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized. And whereas a similar Enactment is contained in an Act passed in Ireland in the seventh year of the reign of King William the Third. And whereas it has been held that the said recited Enactments do

not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied; and it is expedient to extend the said Enactments to such executory contracts; be it enacted, that the said Enactments shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards, notwithstanding the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

VIII. And be it further enacted, that no memorandum or other writing made necessary by this Act shall be deemed to be an agreement within the meaning of any Statute relating to the duties of Stamps.

BOMBAY.

ACT No. XV. OF 1840.

[*Passed on the* 29*th June,* 1840.

Extends Regulation 15, 1827, *and Regulation* 13, 1830, *to the Agents of Foreign Sovereigns having lands, &c. in the Bombay Presidency.*

An Act for extending Regulations XV. of 1827, and XIII. of 1830, of the Bombay Code, to the Agents of Foreign Sovereigns.

It is hereby enacted, that the provisions of Regulations XV. of 1827, and XIII. of 1830, of the Bombay Code, be made applicable to the Agents of Foreign Sovereigns having lands and possessions in the British Territory of the Bombay Presidency, and to guardians and such other individuals as the Governor in Council of Bombay may consider it expedient to invest with the powers contained in the aforesaid Regulations; provided that in all cases the authority conferred shall be revocable at the discretion of the Governor in Council of Bombay.

CRIMINAL.

ACT No. XVI. OF 1840.

[*Passed on the 3rd August*, 1840.

1. *Recites expediency of modifying rules relating to the management of convicts. Enacts, that the property in the service of persons under transportation shall be vested in the persons to whom convict is delivered.*

2. *Governor General in Council may authorize the appointment of Superintendents of Convicts, to whom convicts under transportation shall be delivered, and in whom their property be vested.*

3. *Governor General in Council may issue orders, &c. touching the Classification of Convicts, their confinement, &c. and conviction in case of misbehaviour, &c.*

4. *Persons already under transportation to be subject to the provisions of this Act.*

An Act concerning the management of Convicts transported to places within the territories of the East India Company.

I. Whereas doubts have arisen touching the legal mode of treating Convicts transported to places within the territories of the East India Company, and it is expedient to modify the rules which have heretofore been followed with regard to the management of such Convicts;

It is hereby declared and enacted, that as soon as any offender shall be delivered to the person or persons to be appointed by the Governor General in Council on that behalf at the place to which he is transported, the property in the service of such offender shall be vested in such person or persons during the term of transportation.

II. And it is hereby declared and enacted, that it shall be lawful for the Governor General in Council to appoint the Governor or other Authority at any place within the territories of the East India Company, or to appoint one or more Superintendents at any such place as the persons to whom Convicts undergoing transportation shall be delivered and in whom the property in the service of such Convicts shall be vested as aforesaid.

III. And it is hereby declared and enacted, that it shall be lawful for the Governor General in Council to issue orders from time to time to any such Governor, Authority, or Superintendent, and

which orders are hereby required to be duly executed, and to frame rules touching the classification of Convicts, their confinement, treatment, and discipline, and touching such moderate correction as may be necessary in cases of misbehaviour and disorderly conduct, and of neglect or disobedience in the service of those persons in whom the property of such service may be vested as aforesaid.

IV. And it is hereby declared and enacted, that all persons who have heretofore been transported to any place within the territories of the East India Company, and whose terms of transportation are not yet expired, shall be subject to the provisions contained in this Act, and nothing heretofore done with respect to offenders who have been so transported in conformity with the provisions of this Act, or by the orders, or with the sanction of Government, shall be called in question in any Court of law.

MADRAS.—SALT LAWS.

ACT No. XVII. OF 1840.

[*Passed on the* 10*th August*, 1840.

Modifies Regulation 5, 1831. *Penalties for breaches of the Salt Laws may be recovered before Magistrate of the District. Magistrate may proceed in same manner as against persons charged with offences punishable by Criminal Court. Magistrate not to order fine exceeding* 50 *Rupees, or imprisonment with or without labor, exceeding* 30 *days.*

An Act for amending Regulation V. of 1831, of the Madras Code as far as the same regards penalties for certain breaches of the Salt Laws.

Whereas great inconvinience has been experienced, in consequence of sending persons accused of petty offences against the Salt Laws for trial in the Criminal Courts, who might be more conveniently tried by Magistrates as in the case of other offences subject to the same amount of punishment:

It is hereby enacted, in modification of Regulation V. of 1831, of the Madras Code, that all penalties prescribed by the Madras Code for any breaches of the Salt Laws shall be recoverable before the Magistrate of the district: Provided always, that it shall be

lawful for any such Magistrate before whom any person shall be charged with the commission of any offence against the Salt Laws, at his discretion, to proceed against such person in the same manner as against persons charged with offences the punishment of which rests with the Criminal Court, Provided also, that no Magistrate shall, under the authority of this Act, punish any offender by a fine exceeding 50 Rupees, or by imprisonment with or without labor for a longer period than thirty days.

BOMBAY.—LICENSES.

ACT No. XVIII. OF 1840.

[*Passed on the 10th August*, 1840.

1. *Powers now vested in Justices of the Peace of Bombay with respect to licenses shall be vested in the Collector of Land Revenue and the Senior Magistrate of Bombay jointly. But Justices of the Peace may quash licenses.*
2. *Governor in Council may regulate the form of licences.*
3. *Except as herein repealed or altered, the Law not to be altered.*

An Act to regulate the granting and withholding Licenses for the sale of Liquors within the Islands of Bombay and Colaba.

I. It is hereby enacted, that all powers and duties now vested by law in Her Majesty's Justices of the Peace in Bombay with respect to granting and withholding licenses for the sale of Arrack, Toddy and other Spirituous and Fermented Liquors, within the Islands of Bombay and Colaba, shall, from and after the passing of this Act, be vested in and discharged by the Collector of Land Revenue, and the Senior Magistrate of Police in Bombay jointly, but the said Justices at Quarter Sessions assembled shall have power in their discretion to quash such licenses or to withdraw the same on the breach of any of the conditions thereof.

II. And it is hereby enacted, that the Honorable the Governor in Council shall have authority at all times to regulate the form of licenses to be granted for the sale of Arrack and other Liquors aforesaid in Bombay, and to vary and add to the terms and conditions thereof.

III. And it is further enacted that nothing herein contained shall have the effect of repealing or altering any laws now in force touching the sale of Spirituous Liquors in Bombay or Colaba otherwise than as such laws are hereby repealed or altered.

BENGAL.—APPEALS.

ACT No. XIX. OF 1840.

[*Passed on the* 14*th September,* 1840.

The proviso in Clause 1, *Section* 5, *Regulation* 28, 1814, *to be applicable to any party desirous of appealing in forma pauperis.*

Act for amending the procedure in cases of Appeals made in *formâ pauperis,* within the Presidency of Fort William in Bengal.

It is hereby enacted, that the proviso contained in Clause I. Section V. Regulation XXVIII. 1814, of the Bengal Code in regard to females of rank, shall be applicable, at the discretion of the Courts of Sudder Dewanny Adawlut of the Presidency of Fort William in Bengal respectively, to any party desirous of appealing *in formâ pauperis* to either of those Courts.

BENGAL.

ACT No. XX. OF 1840.

[*Passed on the* 19*th October,* 1840.

An Act for declaring the law touching the liability of Auction Purchasers of permanently assessed Estates under Section XXI. Regulation XI. of 1822, of the Bengal Code.

I. Whereas doubts have arisen whether the liability of Auction Purchasers, under the Provisions of Section XXI. Regulation XI. of 1822, Bengal Code, to make good the difference between the sums bid at a first and second sale of Lands, sold for the realization of arrears of Revenue, has been affected by the Provisions of Section VII. Regulation VII. of 1830, of the same Code :—

It is hereby declared and enacted, that the said liability provided for, and imposed by Section XXI Regulation XI. of 1822, aforesaid, has in no wise been altered or affected by Section VII. Regulation VII. of 1830, aforesaid,

and that such liability shall be considered in full force and virtue, as if such last mentioned Regulation had not been passed.

Regulation 7, of 1830, and Regulation 11, of 1822, except Sections 36 and 38, are repealed by Act 12, of 1841, and consequently this Act is superseded.

BENGAL.

ACT No. XXI. OF 1840.

[*Passed on the 19th October*, 1840.

An Act concerning suits instituted under the provisions of Regulation XLIX. of 1793, prior to, and pending at the date of the enactment of Act IV. of 1840.

It is hereby enacted, that Act IV. of 1840, shall not affect the trial of suits under Regulation XLIX, 1793, which were pending originally or in appeal at the time of the passing of that Act, and that all such suits shall be tried and decided in the same manner as if Act IV. of 1840, had not been passed.

Of temporary and limited operation, now obsolete.

CALCUTTA, MADRAS AND BOMBAY.

ACT No. XXII. OF 1840.

[*Passed on the 23rd November*, 1840.

1. *Persons seeking to extort alms by offensively exhibiting bodily ailment or deformity, or by offensive or indecent practices, &c. liable to imprisonment with or without labor for not exceeding 1 month,*

2. *Persons guilty of second offence to receive double punishment.*

3. *Persons resisting Peace Officer attempting to apprehend them for above offences, to be imprisoned with or without labor not exceeding 3 calendar months.*

4. *Governor General in Council may extend the operation of this Act to any other towns or districts.*

An Act for the punishment of Vagrants within the Towns of Calcutta and of Madras, and the Islands of Bombay and Colaba, extorting Alms by offensive and disgusting exhibitions and practices.

I. Whereas great inconvenience is experienced in the Towns of

Calcutta and of Madras, and in the Islands of Bombay and Colaba from Mendicants who endeavour to extort Alms by offensive and disgusting exhibitions and practices;

It is hereby enacted, that persons within the Town of Calcutta or of Madras, or within the Islands of Bombay and Colaba, who shall seek to extort Alms by offensively exhibiting any bodily ailment or deformity, or by any offensive or indecent practices, or by inflicting, or threatening to inflict, bodily injury on themselves, shall be liable, on conviction before any Justice of the Peace, to imprisonment with or without labor for a term not exceeding one calendar month.

II. And it is hereby enacted, that all persons guilty a second time of any of the above offences, shall be liable, on conviction before a Justice of the Peace, to imprisonment with hard labor for a term not exceeding twice the period assigned for the first offence, and for the same term upon any subsequent conviction.

III. And it is hereby enacted, that persons guilty of any of the offences above mentioned, who shall violently resist any Peace Officer attempting to apprehend them, shall be liable, on conviction before a Justice of the Peace, to imprisonment, with or without hard labor, for a term not exceeding three calendar months.

IV. And it is hereby enacted, that it shall be lawful for the Governor General in Council from time to time, by notice in the Gazette, to extend the provisions of this Act to any towns or districts besides the places specified in this Act.

BENGAL.—EXECUTION OF PROCESS.

ACT No. XXIII. OF 1840.

[Passed on the 30th November, 1840.

1. *Writ, warrant or other process issued by any Court beyond the limits of Supreme Courts, may be executed within those limits and in what manner.*

2, *Upon delivery to Sheriff of Writ, &c. Sheriff shall make a memorandum of the date of delivery, and execute it as if it had issued out of Her Majesty's Courts. Sheriff to make no distinction as to priority between Writs, &c. delivered him under this Act and Writs, &c. issued out of Her Majesty's Courts.*

3. *Sheriff to be liable to same proceedings in respect of acts done in execution of Writs, &c. under this Act as of other Writs.*

4. *Persons disobeying any Writ, &c. indorsed under this Act, to be punishable in Her Majesty's Courts.*

5. *Person who is seized, &c. by virtue of Writ, &c. under authority of this Act shall be delivered if he requires, to such authority as is specified in the indorsement.*

6. *Judge whose indorsement is required may remit the Writ &c. to the authority issuing it for amendment, if defective in form.*

7. *Judge whose indorsement is required may direct Bail to be taken.*

8. *All Civil and Criminal Gaols and Houses of Correction within the Jurisdiction of any of Her Majesty's Courts may be used by the Sheriff for the purposes of this Act.*

An Act for executing within the local limits of the jurisdiction of Her Majesty's Courts Legal Process issued by authorities in the Mofussil.

I. Whereas great inconvenience has been experienced, in consequence of the difficulty of procuring the attendance as witnesses before the Mofussil authorities of persons resident within the local limits of Her Majesty's Supreme Courts, and, in consequence of justice being often frustrated by reason of persons and property within such limits being exempted from process issued by such Authorities, which has also occasioned inconvenience to the inhabitants within such limits, in suits in the Mofussil Courts to which they are parties ;—

It is hereby enacted, that any Writ, Warrant, or other Process issued by any Court, Judge, or Magistrate in the territories beyond the local limits of the Supreme Courts of Calcutta, Madras and Bombay respectively, may be executed within those limits in manner following—A copy of such Writ, Warrant, or other Process authenticated as such by the attestation of the Court, Judge, or Magistrate signing or issuing the same, accompanied by a certified translation in the English language, shall be presented to any Judge of Her Majesty's Courts, who may thereupon, under his hand and signature, indorse and direct the same to be executed within the local limits of any of Her Majesty's Courts by the Sheriff, or by any Justice of the Peace according to the nature of such Writ, Warrant or other Process.

II. And it is hereby provided, that upon the delivery of every

such Writ, Warrant or Process so indorsed as aforesaid to any such Sheriff as aforesaid, every such Sheriff shall make a memorandum of the date of such delivery, and shall execute such Writ, Warrant or Process in like manner as if the same had originally issued from any of Her Majesty's Courts and had been delivered at the date as appearing by the memorandum; and such Sheriff shall make no distinction as to priority or otherwise between the execution of any Writ, Warrant or other Process originally issued from any of Her Majesty's Courts, and the execution of any Writ, Warrant or other Process, under this Act. But every Writ, Warrant and other Process, whether original or indorsed as aforesaid, shall, amongst each other, be subject to the same rules touching the mode and order of execution as are now established in respect of Writs, Warrants, and other Process originally issued from Her Majesty's Courts of Justice.

III. And it is hereby enacted, that every such Sheriff shall be liable to be proceeded against in Her Majesty's Courts of Justice for all matters touching the execution of any Writ, Warrant or other Process executed under this Act, in like manner as if the same had originally issued from any of Her Majesty's Courts of Justice. And all persons and property seized or detained under any Writ, Warrant or Process executed by virtue of this Act shall be dealt with in like manner as if such persons or property had been seized or detained under the like Writ, Warrant or other Process issued from any of Her Majesty's Courts of Justice.

IV. And it is hereby enacted, that all persons disobeying or obstructing the execution of any Writ, Warrant or other Process indorsed under this Act, shall be punishable in Her Majesty's Courts of Justice, in like manner as if the same had issued from such Courts; Provided always that, in the case of Process for the attendance of witnesses, Her Majesty's Courts shall be governed by the like rules touching expenses and other matters as are established in regard to Subpœnas issued from such Courts.

V. And it is hereby enacted, in the case of persons seized or detained by virtue of any Writ, Warrant or other Process executed under the authority of this Act by any Justice of the Peace or by any Sheriff, it shall be the duty of every such Sheriff or Justice of the Peace if so required by the indorsement of the Judge, to deliver the party in custody to such authority or persons as shall be

particularly specified in such indorsement, and who shall have been charged with the execution of the Writ, Warrant or other Process by the authority originally issuing the same, and for that purpose to cause the party in custody to be conveyed to any place within the Company's territories beyond the local limits of the jurisdiction of Her Majesty's Courts.

VI. And it is hereby provided, that in the case of any Writ, Warrant or other Process required to be indorsed under the authority of this Act, it shall be lawful for the Judge who shall be required to indorse the same, to remit the same for amendment to the authority issuing the same if the same shall appear to be defective in any matter of form

VII. And it is hereby provided, that in the case of any Writ, Warrant or other Process required to be indorsed under the authority of this Act, for the seizure or detention of any person, it shall be lawful for the Judge who shall be required to indorse the same to direct by indorsement that bail, (the amount and number of Sureties to be specified in such indorsement) may be taken; and for this purpose to call for such documents and to make such inquiry as he shall think proper.

VIII. And whereas it is expedient, that offenders sentenced by the Mofussil authorities to imprisonment with or without hard labour, should be subjected to the most improved rules of prison-discipline, which cannot, in all cases, be conveniently done except in the prisons locally situate within the jurisdiction of Her Majesty's Supreme Courts, it is hereby enacted, that all Civil and Criminal Gaols and Houses of Correction within the jurisdiction of any of Her Majesty's Supreme Courts, shall, according to the nature of the case, be liable to be used by the Sheriff for the purposes of this Act, and the parties imprisoned therein under the authority of this Act shall be liable to the prison-discipline thereof, and all sentences of imprisonment passed by any Judge, Court or Magistrate in the territories of the East India Company, beyond the local limits of Her Majesty's Supreme Courts, may be executed in whole or in part within any of the Gaols or Houses of Correction aforesaid, provided that a Copy of the Warrant of commitment, or other Process authorizing the imprisonment be so indorsed as aforesaid, and such indorsement contain the necessary directions.

CALCUTTA.

ACT NO. XXIV. OF 1840.

[*Passed on the 7th December* 1840.

1. *The Assessments made for the Town of Calcutta under 33 Geo. 3. Cap. 52, shall be applied only to the purposes herein specified.*

2. *Sufficient Assessments to be made, but not exceeding 5 per cent on the Assessable value of property, without the sanction of the Governor of Fort William.*

3. *Justices at their Quarter Sessions shall publish particulars of their receipts and disbursements within specified divisions.*

4. *The Governor of Fort William may authorize the rate-payers to undertake themselves the Assessment collection and management of the rates, upon a scheme to be approved by him.*

5. *Governor of Fort William may appoint Assessors, Collectors. &c.*

6. *Not necessary in Assessment, &c. to specify name of owner, &c.; houses may be specified by name of street and number.*

7. *Goods of the owner of rated property may be seized any where for satisfaction of rates: also any property on the rated premises*

8. *Property concealed in Zenana may be seized, and how.*

For amending the law with respect to rates for Municipal purposes within the Town of Calcutta.

I. Whereas it is expedient to specify the particular purposes to which rates assessed on houses, buildings and grounds in Calcutta shall be applied; and abolish the practice which has hitherto prevailed, of levying five per cent. on the annual value of all houses, buildings and grounds, without reference to the amount necessary for accomplishing the purposes of the rates; such per centage being inadequate for the purposes to which the rates have hitherto been deemed applicable. And whereas it is expedient to make the per centage leviable by quarterly rates on the annual value of property to depend entirely on the expenditure necessary for accomplishing, in an efficent manner, the purposes to which the rates shall henceforth be applicable, and providing for all incidental expenses and casual deficiencies or defaults. And whereas it is expedient to subject the collection and administration of the funds raised for Municipal purposes in the various districts of the Town to the management of the rate-payers themselves within such districts respectively, whenever they are desirous of undertaking the same, and are willing to enter into proper arrangements for the

purpose. And whereas it is expedient to modify the provisions of the Statute 33 Geo. 3, Cap. 52, in regard to assessments for the town of Calcutta in order for the better collection of the same, reserving all the authority of such Statute in matters not inconsistent with this Act;

It is hereby enacted, that the Assessments which by the Statute 33 Geo. 3, Cap. 52, are authorized to be made for the Town of Calcutta, shall be applicable to the following purposes only—viz. lighting and watering the roads and streets, and cleansing and repairing the same and the drains of the said Town.

II. And it is hereby enacted, that the assessments and rates made under the authority of the said Statute shall be sufficient for accomplishing, in an efficient manner, the purposes mentioned in the last Section, for discharging all incidental expenses, and for making up deficiencies and defaults of every kind whatever. Provided always that no rate shall be made exceeding the amount of five per cent. on the assessed value of property without the sanction of the Governor of Fort William in Bengal.

III. And it is hereby enacted, for the encouragement of the control and supervision of the assessment and collection of the rates and the management thereof within particular divisions being undertaken by the rate-payers themselves—the Justices at their Quarter Sessions shall publish quarterly the particulars of all sums laid out, and of all the expenses of collection and deficiencies during the preceding quater within the following divisions of the Town, or such other divisions as the Governor of Fort William in Bengal may from time to time direct, so long as the assessment, collection or management of the rates for such divisions shall remain under their jurisdiction, viz.

The 1st or Upper North Division, bounded as follows:—

North—by the Mahratta Ditch.

South—by the Mutchooa Bazar Road and Cotton-street to Meerbhur's Ghaut.

East—by the Circular Road.

West—by the River Hooghly.

2nd or Lower North Division, bounded as follows:—

North—by Mutchooa Bazar Road and Cotton-street, to Meerbhur's Ghaut.

South—by the Boitakhanna and Bow Bazar Road and Hare-street, to Police Ghaut.

East—by the Circular Road.

West—by the River Hooghly.

3rd or Upper South Division, bounded as follows :—

North—Boitakhanna, Bow Bazar Road and Hare-street, to Police Ghaut.

South—Durrumtollah-street and Esplanade Row, to Chandpaul Ghaut.

East—Circular Road.

West—River Hooghly.

4th or Lower South Division, bounded as follows :—

North—by the Dhurrumtollah-street and Esplanade Row, to Chandpaul Ghaut.

South—by the Lower Circular Road to Kidderpore Bridge and Tolly's Nullah, to River Hooghly, including the Fort and Cooly Bazar.

East—by the Circular Road.

West—by the River Hooghly.

IV. And it is hereby enacted, whenever two-thirds in number and value of the rate-payers of any of such respective divisions shall apply to the Governor of Fort William in Bengal to undertake themselves the assessment, collection and management of the rates of such division, or any or either of these trusts, it shall be lawful for the Governor of Fort William in Bengal to authorise the same accordingly, at his discretion ; provided always that such majority of rate-payers shall present a scheme which shall obtain his full approbation for the safe and efficient execution of the trusts, the transfer of which from the present authorities is sought for. Provided always that in any such arrangement, the amount to be levied in any particular division shall not be considered as necessarily limited by the amount expended within such division, but shall be adjusted by the Governor of Fort William in Bengal upon reference to all local circumstances.

V. And it is hereby enacted, that for the better assessment and collection of rates under this Act, it shall be lawful for the Governor of Fort William in Bengal, to appoint such Assessor or Assessors, Collector or Collectors, and to make such union of the

offices of Assessor and Collector, and to prescribe such rules and take such securities for the due execution of this Act by the person or persons employed in assessments and collections and in the management of the rates collected as he shall deem expedient.

VI. And it is hereby enacted, that it shall not be necessary in any Assessment Rate or Warrant of Distress under this Act to specify the names of the owners or occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

VII. And it is hereby enacted, that the Goods and Chattles of the owner of any property rated shall be seizable any where (except where property is concealed as hereinafter mentioned) for deficiency in the payment of rates. And that all property which shall be found upon any premises rated, shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure. And in the case of the seizure of the property of a tenant under such circumstances, he may deduct the amount of the levy from the next payment of his rent.

VIII. And it is hereby enacted, that where there is ground to suspect that property liable to distress under this Act is concealed in any Zenana, the Officer charged with the execution of the Warrant shall make a special report to the Justice granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of property in like cases adopted by Her Majesty's Supreme Court.

BENGAL.—ABKAREE REVENUE.

ACT No. XXV. OF 1840.

[*Passed on the 20th December*, 1840.

1. *Commissioner appointed for the Superintendence of the Abkaree Revenue shall exercise the powers, &c. vested by the Regulations, &c. in the Commissioners of Land Revenue in matters appertaining to Abkaree Revenue.*

2. *Superintendents may be appointed to take charge of the Abkaree Revenue under the orders of the Commissioner.*

3. *Superintendent may be empowered to adjudicate cases of contravention of the Abkaree Law, but not to fine any person exceeding* 200 *Rupees or to imprison, exceeding* 3 *months, except for second offence.*

4. *The warrant of any Officer having power to adjudicate cases of contravention of the Abkaree Laws, &c. shall be sufficient authority for levy of fine or imprisonment of offender. Proviso, giving appeal to Commissioner.*

5. *Officer in Abkaree department above the rank of Jemadar of Peons receiving information of offences specified, shall take the deposition of the informer in writing, and if it appears credible may enter and search premises, &c.*

6. *Except in cases provided for by Section* 18, *Regulation* 7, 1824, *any person by threats or violence preventing lawful arrest, or procuring unlawful release, or obstructing Officer, &c. &c. may be fined not exceeding* 500 *Rupees commutable to imprisonment not exceeding* 6 *months, and to further punishment in case of affray and breach of the peace.*

7. *Modifies Clause* 6, *Section* 22, *Regulation* 10, 1813. *Any person wilfully, &c. giving false information in respect to there being illicit stills, &c. may be imprisoned not exceeding* 2 *years and fined not exceeding* 500 *Rupees, besides being liable to penalties and damages by the general law.*

8. *Officer of Abkaree department arresting any person, &c. seizing still, &c. or entering premises, &c. shall make a full report to his official superior within* 24 *hours.*

9. *Party arrested by Officer in Abkaree department shall be carried, with all convenient despatch, to the Officer competent to try, and shall not be released until his case shall have been adjudicated upon.*

10. *Any Officer neglecting to report within* 24 *hours as above required, or delaying to carry the person arrested to the proper Officer, or releasing, &c. may be dismissed from his situation and fined not exceeding* 200 *Rupees and imprisoned not exceeding* 3 *months, and* 3 *months more in case of non-payment of fine; the man may be tried by Officer competent to try cases under the Abkaree Laws.*

11. *Any Officer in Abkaree deparment may enter, &c., day or night, the shop or premises of any licensed Abkar, to satisfy himself that nothing is going on in contravention of the Abkaree Laws.*

12. *Any Officer of Abkaree department convicted of vexatious, &c. seizure or of any excess not required for execution of his duty may, besides dismissal, be imprisoned not exceeding* 6 *months and fined not exceeding* 200 *Rupees, and if not paid,* 6 *months further imprisonment.*

13. *The term "Officers of the Abkaree Department," how to be construed.*

14. *Every licensed person shall keep his license at the licensed premises, and exhibit it on demand to any Abkaree Officer, and, in case of refusal, shall be fined not exceeding* 200 *Rupees and imprisoned not exceeding* 3 *months, and* 3 *months more if fine not paid.*

15. *One moiety of all fines and from the proceeds of confiscated property, under this Act, shall be given to Officer, the other to the Informer, and if no fine be realized, the Commissioner may recommend a reward.*

16. *Officer of Abkaree department conniving at specified infractions of the law shall be punished in same manner as the person contravening the law is liable to be punished.*

17. *Person convicted of a second offence of the like nature, shall in addition to the ordinary punishment, be liable to be imprisoned in the Dewanny Jail for 6 months, and 6 months added for subsequent offence.*

For the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

I. Whereas it has been found necessary, with a view to make better provision for the protection of the Abkaree Revenue than is afforded by the existing system of management, to place the superintendence of certain Districts in a Separate Commissioner acting under the direction and control of the Board of Customs, Salt and Opium, and whereas it is required to make provision by law for the extension and improvement of this system of management within the Presidency of Fort William in Bengal;—

It is hereby enacted, that whenever a Commissioner or Commissioners shall be appointed by the Governor of Bengal, or by the Governor or Lieutenant Governor of the N. W. Provinces, with the sanction of the Government of India, for the superintendence of the Abkaree Revenue, such Commissioner or Commissioners shall exercise within such Districts as may be assigned and prescribed from time to time by the said Governors or Lieutenant Governor the powers, authority and jurisdistion vested by the Regulations and Acts of the Government in Commissioners of the Land Revenue in all matters appertaining to the Abkaree Revenue.

II. And it is hereby enacted, that within the Districts so assigned to such Commissioner or Commissioners, the Governor of Bengal or Governor or Lieutenant Governor of the N. W. Provinces may appoint any duly qualified persons not being of the description specially provided for in Section XXXI. Regulation X. 1813, to be Superintendents of the Abkaree Revenue, and to vest them with the charge and management of the Abkaree Revenue under the orders of the said Commissioner, within such local limits as to him may seem fit, and the persons so appointed shall exercise all the powers of Collectors in regard to this Revenue, excepting the adjudication of cases of contravention of the Laws relating to Abkaree.

III. And it is hereby enacted, that it shall be competent for the Governor of Bengal to vest any person appointed under the foregoing Clause to the charge and superintendence of the Abkaree Revenue with the power of adjudicating cases of contravention of the Abkaree Laws, in addition to the powers attaching to the Office of Superintendent of Abkaree Revenue in the District or Districts assigned to him,—provided that no such Superintendent when so vested with the powers of adjudication shall sentence any person to a fine exceeding 200 Rupees, whether commutable or otherwise, or to imprisonment for a term exceeding 3 months, except for a second offence under Section XVII. of this Act.

IV. And it is hereby enacted, that the warrant of any Officer authorized or especially appointed, to adjudicate cases of contravention of the Abkaree Laws, certifying the conviction of any individual, with a specification of the offence proved and penalty adjudged, shall be authority for the levying of any fine imposed, as therein specified, and for the detention of the person therein described in the Civil Jail of the District as may be therein prescribed; provided always that it shall be competent to the Commissioner, upon appeal by the parties concerned, or of his own motion, to call for the papers and revise the proceedings in any case decided by such Superintendent, and to alter or reverse the judgment passed thereon, and a like power shall be possessed and exercised by the Board of Customs, Salt and Opium, or by any other Board possessing like authority whenever they think proper.

V. And it is hereby enacted, that any Officer employed in the Abkaree Department above the rank of Jemadar of Peons, who shall receive information that any person without a licence is engaged in the manufacture of fermented or spirituous liquors, or in the preparation of intoxicating drugs, or has on his premises fermented or spirituous liquors or intoxicating drugs in such quantity as may render such person liable to the suspicion of secretly and illicitly trafficking in such articles, shall and is hereby authorised and required to take deposition of the informer in writing, and if the information so given shall appear credible, so as to justify such proceeding, it shall further be competent to such Officer to enter and search such premises as may be declared by the informer to contain the illicit articles specified in his deposition, and to seize

all illicit stills and materials of the kind used in manufacturing liquors and preparing drugs as well as all fermented or spirituous liquors, or intoxicating drugs, and to arrest the owner or occupant of the premises, together with all parties concerned in the transaction who may be found on the premises.

VI. And it is hereby enacted, that except in cases already provided for by Section XVIII. Regulation VII. of 1824, if any person or persons shall by threats or violence prevent the lawful arrest of any person by an Officer duly authorized to seize illicit stills, fermented or spirituous liquors, or intoxicating drugs and materials for the manufacture of the same, or shall procure by unlawful means his release after arrest, or shall obstruct any Officer duly authorized in making search for or seizure of any of the above mentioned illicit articles, or shall rescue such articles after seizure, or if the party found with any such illicit articles in possession, or any other person or persons shall resist such Officer in the execution of a legal process, such person or persons shall severally and respectively be liable on conviction before a Magistrate, to be sentenced for the same to pay a fine not exceeding 500 Rupees, commutable, if not paid, to imprisonment for a term not exceeding six months, provided that such person or persons shall be further liable, in the event of an affray or breach of the peace occurring, in consequence of his or their resistance, on conviction of the same before a competent tribunal to such punishment as is prescribed in the general rules applicable to cases of affray and breach of the peace in addition to the penalties above prescribed for the resistance of process.

VII. And it is hereby enacted, in modification of Clause 6, Section XXII. Regulation X. of 1813, of the Bengal Code, that if any person shall wilfully and maliciously give false information in respect to there being an illicit still or illicit stills, or fermented or spirituous liquors, or intoxicating drugs or materials prepared for the manufacture of spirituous liquors and drugs in any premises, and so procure that such premises shall be searched to the injury and vexation of the owners thereof, or of any other person or persons whatsoever, such false informer shall, besides being subject to any other penalties or damages to which he would be subject under the general law, be liable to imprisonment with or without

labor for a term not exceeding two years, and to fine not exceeding 500 Rupees, commutable to a further term of imprisonment for six months if not paid.

VIII. And it is hereby enacted, that whenever any Officer of the Abkaree Department, duly authorized under Section V. of this Act, shall arrest any person charged with an infraction of the Laws for the protection of the Abkaree Revenue, or shall seize any still, or fermented or spirituous liquors or intoxicating drugs, or enter any premises for the purpose of searching for such illicit articles, he shall make a full report of all the particulars of such arrest or seizure or search to his official superior, within twenty-four hours after the transaction has occurred.

IX. And it is hereby enacted, that whenever any person may be arrested by an Officer employed in the Abkaree Department, or by any other Officer of other Departments, duly empowered to make seizure of illicit stills or spirituous liquors or intoxicating drugs, or materials prepared for the purpose of manufacturing spirituous liquors or intoxicating drugs, the person making the arrest shall be bound to carry the party arrested, with all convenient despatch to the Officer of the Department who may be competent to try the case, and no person so arrested shall be released until the case shall have been brought to judgment in the manner provided by Law.

X. And it is hereby enacted, that any Officer who shall neglect to report all the particulars of an arrest, seizure, or search within twenty-four hours after the transaction has occurred, or who shall delay carrying the person arrested to the proper Officer with all convenient despatch, or who shall release or connive at the escape of the person arrested; shall be liable, on conviction, to dismissal from his situation, and to pay a fine not exceeding 200 Rupees, and to imprisonment for a term not exceeding three months, and in case of nonpayment of the fine, to further imprisonment not exceeding three months, and the sentence shall be adjudged by any Officer competent to adjudicate cases of contravention of the Abkaree Laws.

XI. And it is hereby enacted, that it shall be lawful for any Officer employed in the Abkaree Department, to enter and inspect

at any time, by day or by night, the shop or premises in which any licensed Abkar shall carry on the sale or manufacture of fermented or spirituous liquors, or intoxicating drugs or liquors, in order to satisfy himself that nothing is going on in contravention of the Abkaree Laws, or of the conditions of the licence.

XII. And it is hereby enacted, that if any Officer of the Abkaree Department be convicted before the Magistrate of any District, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for illicit stills, spirituous liquors, intoxicating drugs, or the materials for manufacturing the same, or of having vexatiously and unnecessarily arrested any person, or of committing any other excess not required for the execution of his duty, every such Officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 Rupees, commutable, if not paid, to a further imprisonment not exceeding six months.

XIII. And it is hereby enacted, that whenever in this Act or in any other law the terms "Officers employed in the Abkaree Department," are used they shall be deemed and construed to apply to such Officers as receive salary from and are appointed by the persons in charge of the Abkaree Department, in the District, or such Officers as the Commissioner of the Abkaree Revenue may, by special delegation or appointment, empower to Act in relation to this branch of the Revenue.

XIV. And it is hereby enacted, that every person holding a licence for the manufacture or sale of fermented or spirituous liquors or intoxicating drugs, shall preserve such license at the shop or premises specified in the body of the license, and shall exhibit the license on the demand of any Abkaree Officer, who shall desire to inspect the same, and any such licensed manufacturer or vender who shall refuse, or be unable to produce his licence on the demand of any Abkaree Officer shall be liable, on conviction before a Magistrate, to a fine not exceeding 200 Rupees, or to imprisonment for a term not exceeding three months, and, in case of non-payment of the fine, to further imprisonment not exceeding a like term. (*a*)

(*a*) Modified by Act 9, 1841.

XV. And it is hereby enacted, that one moiety of all fines realized from persons convicted of the illicit possession or manufacture or sale of fermented or spirituous liquors or intoxicating drugs, excepting Opium, and of the proceeds from sale of articles confiscated, shall upon adjudication of the case be awarded to the Officer or Officers who may have apprehended the offender or seized the illicit articles, and the other half shall be given to the informer as provided in Clause 8, Section XXII. Regulation X. of 1813, and if no fine be realized, the Commissioner may recommend, through the Board of Customs, Salt and Opium, such reasonable reward, not exceeding the sum of 200 Rupees in each case, as may appear to him fit; provided however, that it shall be competent to the Board of Customs, Salt and Opium, to prescribe by General Order what classes of Officers of the Department shall receive reward and what clases shall have no title to participate therein.

XVI. And it is hereby enacted, that any Officer employed in the Abkaree Department, who shall be convicted of conniving at the manufacture or sale of fermented or spirituous liquors without licence, or by any licensed manufacturer or vender contrary to the terms of such licence, shall be liable to the same penalties that would be incurred by the offender at whose act in contravention of the law he so connived.

XVII. And it is hereby enacted, that whenever any person shall be convicted of an infraction of the laws for protection of the Abkaree Revenue, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Dewanny Jail for a period of six months, and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second, and the warrant of the Officer adjudicating any case under the provisions of this Section shall be authority for the Judge or other Officer in charge of the Dewanny Jail to hold the person described therein in confinement in such Jail, and for such time as may be specified and required in the said Warrant.

BENGAL.—REVENUE.

ACT No. I. OF 1841.

[*Passed on the 12th April,* 1841.

1. *Preamble.*
2. *Defines what a Putteedarree estate is, and who are Lumberdars and who Putteedars.*
3. *Allows specified modes of duress against certain Putteedars, viz. issuing of dustucks, arrest of person, distraint of property, alienation of Puttee in purpetuity, annulment of the Settlement as regards the defaulting Puttee, and sale of Puttee by public auction.*
4. *Putteedar not in default to have the right of pre-emption at the sum last bid by any stranger at the auction.*
5. *Collectors, &c. to exercise the above powers subject to limitation and control of Government, &c.*
6. *Sales of Puttee by auction to be made in same manner in respect of the notice to be issued, &c. as sales of entire mehals. Rights of Ryots having a permanent interest, saved.*
7. *When Puttee is temporarily transferred, no member of the Puttee shall cultivate any land therein during the transfer, nor at all if the Puttee has been permanently transferred, without first agreeing to pay rent to the transferree. If parties cannot agree as to rent, it may be fixed by a jury of the vicinage.*
8. *A copy of the Jumma Wasil Bakee and detailed Khuteonee of the Tehsildar shall be sufficient evidence of the arrear due from a Puttee.*
9. *Collector may give possession to purchasers, and in what manner.*
10. *This Act not to bar the right of Government to hold the entire body of Proprietors, &c. responsible for the whole Jumma, &c.*
11. *Governor General in Council may extend this Act to any district as he may deem expedient.*

An Act for facilitating the collection of the Revenue of Government and defining the interest intended to be conveyed by public sales for the realization of arrears of the Public Revenue in Putteedarree Estates.

Preamble. I. The Regulations in force authorize the application of duress for enforcing the payment of arrears of the public revenue, only against the person and property of the contracting Lumberdar, leaving him to proceed against the Putteedars by suit or distraint. But with reference to the peculiar nature of these coparcenaries the existing enactments appear to be insufficient, on the one hand, for the protection of the rights of the Putteedars, and on the other

hand for the punctual realization of the dues of Government. The Regulations are also deficient in not authorizing with sufficient distinctness the sale or transfer of the Puttees of defaulting Putteedars in Putteedarree estates, and in not defining the interest intended to be conveyed by public sales of such estates.

II. A Putteedarree estate in this Act is held to be an estate which consists of two or more separate portions or Puttees, or of which there may be proprietors possessed of separate properties and holding direct of the Government, but not parties in their own names to the contract with the Government for payment of the public revenue. The proprietor who is a party in his own name is called a Lumberdar, and the proprietor who is not a party in his own name is called a Putteedar,

III. It is hereby enacted, that the following modes of duress may be enforced against all Putteedars whose tenure and interest may have been defined by a Settlement formed according to Regulation VII. of 1822 as modified by Regulation IX. of 1833, whether every such Putteedar be in sole occupation of his Puttee, or hold it in common with others.

1st. Issue of Dustucks in the same manner, and under the same limitation, as authorized by the rules in force for Lumberdars.

2d. Arrest, detention, imprisonment, distraint and sale of personal property as now authorized to be enforced against Lumberdars.

3d. Transfer of the defaulting Puttee in perpetuity to the members of any other Puttee which may not be in arrear.

4th. Annulment of the Settlement as regards the defaulting Puttee, and lease thereof to the members of any other Puttee which may not be in arrear or to a stranger for any term not exceeding fifteen years.

5th. Sale of the defaulting Puttee by public auction, in which case the members of the remaining Puttees who may not be in arrear are authorized to bid.

IV. And it is hereby enacted, that on occasion of the sale by public auction of any Puttee, if the lot shall have been knocked down to a stranger, any Putteedar or other member of the coparcenary, not being himself in arrear, may claim to take the said Puttee at the sum last bid, provided that the said demand of preemption be made on the day of sale and before the Collector shall

have left the office, and provided that the claimant fulfil all the other conditions of the sale.

V. And it is hereby enacted, that the above methods be employed by the Collector or other Officers vested with the powers of Collector, under such limitation and control as Government or other superior revenue authorities shall see fit to prescribe or enforce.

VI. And it it hereby enacted, that the sale of any Puttee by public auction, shall be effected in respect to the notice to be issued, the authority to be obtained, and the mode of conducting the sale according to the rules prescribed by law from time to time for the sale of an entire Mehal; and the Puttee, after the sale shall have been duly confirmed, shall be the absolute property of the purchaser, save and except the rights of those Ryots whose right to the permanent occupancy of their lands may have been recognized, and the rates of rent payable by whom may have been adjusted and recorded at the last settlement.

VII. And it is hereby enacted, that in case of the lease or other temporary transfer of any Puttee as above said, no member of that Puttee shall be entitled to cultivate any land therein during the term of such transfer, or in case of absolute sale no member of the Puttee shall be entitled to hold or cultivate any land therein from and after the month of Bysack next succeeding such sale unless the said member of such sold or transferred Puttee shall first execute a written engagement to pay rent to the purchaser or transferree at the rate demanded by the purchaser or transferree. Provided that it shall be competent to the Collector, subject to the orders of the Commissioner and the Sudder Board of Revenue, if the rate cannot be fixed by private bargain between the parties, to cause the same to be fixed by a jury of the vicinage in the mode directed by Sections V. to X. Regulation IX. of 1833.

VIII. And it is hereby enacted, that a copy of the Jumma Wasil Bakee and detailed Khuteonee of the Tehsildar signed and sealed by him, and countersigned by the Canoongoes and Putwarry, exhibiting in detail the amount paid by and arrear due from each Puttee shall be taken to be sufficient evidence of the arrear due from that Puttee, and these papers shall invariably be filed with the Collector's proceedings.

IX. And be it enacted, that the Collector be empowered to give possession to all purchasers and transferrees under this Act in the mode authorized by Clause III., Section XXIII. of Regulation VII. of 1822.

X. And it is hereby enacted, that nothing contained in this Act shall bar the indefeasible right of Government to hold the entire body of proprietors and the entire estate responsible for the amount of the whole Jumma, and to enforce the existing Regulations for the transfer or sale of the whole estate, whenever it shall appear to them just and expedient. In every such case it is hereby declared, in modification of Regulation XI. of 1822, that the entire proprietary rights of every member of the coparcenary shall be annulled and forfeited, and the provision of Section VII. of this Act shall be applicable to every member of the Coparcenary.

XI. And it is hereby enacted, that the Governor General in Council may extend the provisions of this Act to any district to which, with reference to the nature of the tenures prevalent therein, its extension may be expedient, although no Settlement of such district may have been made under Regulations VII. of 1822, and IX. of 1833, and the order of Government, shall be sufficient authority for such extension.

BOMBAY.—LICENCES.

ACT No. II. OF 1841.

[*Passed on the* 10*th May*, 1841.

1. *Any person selling by retail Ganja, or Bhang, without licence, shall be fined not exceeding* 30 *rupees or imprisoned* 1 *month.*

2. *The Collector in each Zillah to grant licences for one year at a fee to be determined by the Governor in Council.*

Appendix A. Form of Licence.

An Act for regulating the sale of Ganja and Bhang within the Presidency of Bombay.

I. It is hereby enacted, that any person who shall sell by retail Ganja, or Bhang, within the Territories subject to the Presidency of Bombay, without having obtained a licence from the Collector

of Land Revenue, in the manner hereinafter provided, shall be punishable by fine not exceeding 30 Rupees, or by imprisonment for one month.

II. And it is hereby enacted, that the Collector of Land Revenue in each Zilla shall grant to all persons applying for them, licences in the Form of Appendix A. to be in force for one year, and shall charge for the same a fee of such amount as the Governor of Bombay in Council shall, from time to time, determine.

APPENDIX A.

Form of Licence to retail Bhang or Ganja.

I, A. B. Collector of ——— hereby license C. D. by caste ———, inhabitant of ———, to sell by retail Ganja and Bhang within the Village (Town or District) of ——— for one year from the date hereof.

(Signed) A B, *Collector.*

Collector's Office,
—— day of ——

BOMBAY.—JUDICIARY.

ACT No. III. OF 1841.

[*Passed on the* 10*th May*, 1841.

1. *Persons charged with Simple Larceny or receiving stolen property not exceeding in value* 20 *rupees may be tried by Petty Sessions.*

2. *Petty Sessions shall not have power to imprison for more than* 12 *months, nor to transport offender.*

3. *Petty Sessions may instead of trying offender, commit him for trial before Her Majesty's Supreme Court.*

4. *and* 5. *A single Magistrate of Police may summarily convict in certain specified cases, if property does not exceed ten rupees in value; but may not imprison offender for more than* 3 *months.*

6. *Instead of trying case, Police Magistrate may commit for trial before Her Majesty's Supreme Court.*

7. *Form of conviction to be used by Police Magistrate.*

8. *Upon conviction, property may be ordered to be restored to true owner, and person refusing to restore it may be fined not exceeding* 20 *rupees.*

9. *Repeals Art.* 1, *Title* 14, *and Art.* 3, *Title* 15, *of Rule, Ordinance and Regulation* 2, 1827, *offender convicted of second offence liable to double punishment, but not exceeding* 24 *lashes, or* 12 *months imprisonment.*

10. *All fines and penalties to be levied in manner provided in Act 2, 1839.*
11. *Saves the remedy by writ of Certiorari.*

An Act for the trial of Prisoners charged with the commission of certain offences within the Islands of Bombay and Colaba, and the Harbour of Bombay.

I. Whereas it is expedient to extend the jurisdiction conferred upon the Court of Petty Sessions in Bombay by Rule, Ordinance and Regulation II. of 1827, Article I. Title IV. and to give the power of summary conviction to single Magistrates of Police in certain cases;

It is hereby enacted, that all persons charged with the commission of Simple Larceny, or with receiving goods or property knowing the same to have been stolen within the Islands of Bombay and Colaba, and the Harbour of Bombay, may be tried summarily by the Court of Petty Sesssions in Bombay, provided the value of the property the prisoner is charged with having stolen or received as aforesaid, does not, according to the belief of the said Court, exceed Twenty Rupees.

II. And it is hereby enacted, that the said Court of Petty Sessions shall not have power to sentence any such person to be imprisoned with or without hard labour for a longer period than twelve calendar months, or to be transported.

III. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions, when any person is charged before them with either of the offences aforesaid, at its discretion, instead of trying such person, to commit for trial before Her Majesty's Supreme Court of Justice in Bombay.

IV. And it is hereby enacted, that it shall be lawful for a single Magistrate of Police in Bombay to exercise the power of summary conviction in all cases described in the following Rules, Ordinances, and Regulations; provided that in cases of Simple Larceny the value of the property the prisoner is charged with having stolen, does not, according to the belief of the said Magistrate, exceed Ten Rupees.

Rule, Ordinance and Regulation I. of 1814.

Articles I., II. and III. of Title IV. of Rule, Ordinance and Regulation II. of 1827.

Title VI. of the same.

Title VIII. of the same.

Title IX. of the same.

Title X. of the same.

Articles III. and IV. of Title XI. of the same.

Such Police Magistrate to have full power of summoning to appear before him all persons whose presence is necessary to promote the purposes of justice, and to have the same power of apprehending and punishing any person so summoned under the same circumstances as the Court of Petty Sessions is empowered under Art. XVIII., Rule Ordinance and Regulation III. of 1815.

V. And it is hereby enacted, that the said Magistrate of Police shall not have power to sentence any person to be imprisoned with or without hard labour for a longer period than three calendar months.

VI. And it is hereby enacted, that it shall be lawful for the Magistrate of Police, when any person is charged before him under this Act in his discretion either to try such person or to commit him for trial before the Court of Petty Sessions or Her Majesty's said Supreme Court of Justice.

VII. And it is hereby enacted, that the Magistrate of Police after trying any offender charged before him by virtue of this Act, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say:—

Be it remembered that on the ——— day of ——— in the year of our Lord ——— before me ——— Magistrate of Police in and for the said Town and Presidency, E. F. was duly convicted (here specify the alleged offence and the time and place when and where the same was committed as the case may be) and I the said Magistrate of Police believe the value of the property stolen to amount to a sum not exceeding Ten Rupees, that is to say, Rupees ——— and I adjudge the said E. F. (here state the punishment the prisoner is to suffer as the case may be.) Given under my hand the day and year first above named.

(Signed) ———

VIII. And it is hereby enacted, that upon any conviction for Simple Larceny or for receiving stolen goods, the authority before

which such conviction shall have taken place shall have power to order the restitution of the property stolen, if forthcoming, to the owner or his representative, and in case of its not being restored pursuant to such order to impose on any person refusing or neglecting to restore the same a fine not exceeding Twenty Rupees, and in default of payment, to adjudge the person guilty of such neglect or refusal to be imprisoned for the space of one calendar month, unless the property be sooner restored.

IX. And it is hereby enacted, that Article I. Title XIV. and Article III. Title XV. of Rule, Ordinance and Regulation II. of 1827, are hereby repealed. And it is enacted, that whenever any offender is convicted of any second or repeated offence, it shall be lawful for the Court of Petty Sessions to award a double punishment. Provided always, that in no case shall corporal punishment extend beyond 24 lashes, or imprisonment beyond twelve months.

X. And it is hereby enacted, that all fines and penalties hereafter to be awarded by the Court of Petty Sessions or the Police Magistrates in Bombay, or either of them, under this Act or otherwise, shall be levied in the manner provided in Act II. of 1839.

XI. And it is hereby declared, that nothing in this Act contained shall be construed to affect the remedy of any person aggrieved by the conviction of the said Court of Petty Sessions or a Magistrate of Police through the means of the Writ of Certiorari.

BOMBAY.

ACT NO. IV. OF 1841.

[Passed on the 17th May, 1841.

1. *Hackney Carriages and other vehicles let to hire shall be numbered, or in default thereof owner may be fined not exceeding* 30 *Rupees.*

2. *Numbers to be appointed by Superintendent of Police, and withdrawn by Petty Sessions on proof of breach by owner of any provision of this Act.*

3. *Teeka Bearer, Boatman, &c. to wear a badge to be appointed by Superintendent of Police, or in default fined not exceeding* 20 *Rupees.*

4. *Petty Sessions may settle rates of hire for public conveyances, with sanction of Governor of Bombay. Rates to be published in Gazette. Person demanding higher rate, &c. to be fined not exceeding* 20 *Rupees. Penalty not in-*

curred unless legal rate has been tendered. Person refusing to pay legal fare to be fined not exceeding 20 *Rupees.*

5\. *Superintendent of Police to keep a Register of persons having numbers and badges under this Act. Persons using numbers and badges in manner unauthorized to be fined not exceeding* 100 *Rupees.*

6\. *Petty Sessions may appoint stands for Carriages and Palkees. Persons in charge of Carriages and Palkees found loitering off the stand for the purpose of hire to be fined not exceeding* 10 *Rupees.*

7\. *This Act not to extend to lettings for hire for a month or longer period.*

8\. *All fines to be recovered in manner provided for by Act* 2, 1839.

An Act for regulating Public Conveyances in the Islands of Bombay and Colaba, and the Harbour of Bombay.

I. It is hereby enacted, that all Hackney Carriages, Carts, Palankeens and other vehicles let to hire for the purpose of conveying persons or goods within the Islands of Bombay and Colaba, and all boats let to hire for such purpose within the Harbour of Bombay shall bear upon them, in manner as directed by the Superintendent of Police, on each side, in large English and Native figures or characters, a certain number to be indicated for every such public conveyance in manner hereinafter mentioned; and every person who shall let out to hire any such public conveyance after the expiration of two months from the day of passing this Act which shall not bear such number in manner aforesaid, or which shall bear any number not indicated as aforesaid, or after notice as hereinafter mentioned to withdraw the same, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Thirty Rupees

II. And it is hereby enacted, that the numbers to be used for public conveyances shall be indicated by the Superintendent of Police on application of the owners of such conveyances, and it shall be lawful for the Court of Petty Sessions, on proof of the breach of any provision of this Act by the owner of any such conveyance as aforesaid, to give such owner notice to withdraw the number which may theretofore have been indicated to him in manner aforesaid.

III. And it is hereby enacted, that every Teeka Bearer, Boatman, or other person employed in the conveyance of persons or goods as aforesaid by the owner of any such public conveyance shall wear, in manner as directed by the Superintendent of Police,

a badge on the upper part of his right arm, with the number of the public conveyance to which he belongs, which badge shall be indicated by the said Superintendent; in default whereof every person so employed and not having such badge as aforesaid, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees.

IV. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions from time to time to settle the rates for the hire of such public conveyances as aforesaid, and the rates so settled, if sanctioned by the Governor of Bombay in Council, shall be published twice in the Government Gazette. And after such publication, if the owner or other person in charge of any such public conveyance as aforesaid shall receive or require any higher rate for the hire thereof, or shall refuse a fare upon tender of the prescribed rate, the person or persons on whose application the number of such public conveyance shall have been indicated as aforesaid, or the person receiving or requiring such higher rate or refusing such fare, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees. Provided always, that no person shall be deemed to be liable to the penalty in this Section unless the settled rate of hire shall have been duly tendered. And any person refusing to pay the money due from him for the hire of any such conveyance according to the rate settled as aforesaid, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees, and no contract for hire under the settled rate shall be valid or binding on any owner of a public conveyance.

V. And it is hereby enacted, that the Superintendent of Police shall keep a Register containing a full description of applicants receiving numbers under this Act, and of every conveyance for which any number is obtained, and of every person for whom any badge is obtained, and every offender using or authorizing the use of any number or badge otherwise than for such particular conveyance or person, shall be liable on summary conviction, before the Court of Petty Sessions, to a fine not exceeding 100 Rupees.

VI. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions, from time to time, to appoint stands for public Carriages and Palkees. And every person in charge of any

Carriage or Palkee found loitering off any such stand for the purpose of hire shall be liable on conviction before a Magistrate of Police, to a fine not exceeding Ten Rupees.

VII. And it is hereby provided, that nothing in this Act contained shall extend to prevent any person from letting to hire any conveyance for a month or longer period without any such number being applied for as aforesaid.

VIII. And it is hereby enacted, that all fines imposed by virtue of this Act shall be recoverable in manner provided for by Act II. of 1839.

STATE OFFENCES.

ACT No. V. OF 1841.

[*Passed on the* 31*st May*, 1841.

1. *The ordinary tribunals may try charges of treason, rebellion or other crime against the state.*

2. *The Government of any Presidency may issue a Commission for the trial of state offences.*

3. *The Courts under such Commissions are to try prisoners in the same manner as in trials before the Ordinary Courts; but all sentences to be reported to the highest Court of the East India Company previous to being executed.*

4. *In case of death or absence of any of the Judges &c. the remaining ones shall be competent to be a Court until the vacancy is filled &c.*

5. *The highest Courts of the East India Company are to proceed in cases under this act according to the ordinary rules, but to report their sentences to the executive Government.*

6. *The Magistrates of the Zillahs &c. where persons are charged with state offences shall give notice thereof to the Government of the Presidency, and obey orders sent to them.*

7. *This Act not to affect the jurisdiction of Her Majesty's Supreme Courts.*

An Act for the greater uniformity of the process upon Trials for State Offences, and the amendment of such process in certain cases.

I. Whereas it is expedient that the rules of process for the trials of state offences should be modified with a view to uniformity at the different Presidencies; and whereas some of the rules heretofore in force at particular Presidencies require amendment:—

It is hereby enacted, in modification of all Regulations and parts of Regulations affecting process upon trials for state offences that it shall be competent for the ordinary tribunals to try charges of treason, rebellion or other crime against the state.

II. And it is hereby enacted, that it shall be competent for the Government of any Presidency to issue a commission for the trial of any offences of treason, rebellion or crime against the state by one or more Judges, together with such Law Officers as shall be required or without any such Officer, according as it may be deemed expedient.

III. And it is hereby enacted, that the Courts convened under such Commissions are to try the prisoners brought before them in the same manner as in trials before the Ordinary Courts; and shall exercise all powers and authorities vested in such Courts, except that their sentence, whether of acquittal or punishment, shall in every instance be reported with their proceedings to the highest Court of the East India Company for criminal matters of the Presidency, previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation of the respective Presidencies, or by any Act of the Governor General of India in Council, by the special orders which they may receive from the Executive Government, or from the highest Court of the East India Company for criminal matters in the Presidency.

IV. And it is hereby enacted, that in case of the death, or of the absence from indisposition or other cause, of any of the Judges, or Law Officers of the Courts which may be appointed to try offenders under this Regulation, the remaining Judge or Judges, or Law Officer or Officers, shall be competent to form a Court, and proceed with the trial or trials, until provision can be made by the Government of the Presidency for supplying the place of such Judge or Judges, or Law Officer or Officers, if any such provision shall be deemed necessary; or if no such provision be made, the powers and proceedings of the said Courts shall not be affected by the death or absence of such Judge or Judges, or Law Officer or Officers.

V. And it is hereby enacted, that the highest Courts of the East India Company for criminal matters of the respective Presidencies on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them; except that they are in every instance to report their sentences to the executive Government of the Presidency for the time being; and are to wait the orders of Government for the period of three calendar months before they direct their sentence to be carried into execution.

VI. And it is hereby enacted, that the Magistrates of the several Zillahs and Cities, where any person or persons shall be charged with the crimes mentioned in this Act, shall give immediate notice thereof to the Government of the Presidency to which their several Districts or Cities belong, and shall pay immediate and strict attention to all orders which may be transmitted to them by their respective Governments for the apprehension of persons charged as aforesaid, or for making any enquiry respecting such persons, or for committing them to take their trials before the Ordinary Courts, or before the Special Courts described in this Act.

VII. And it is hereby enacted, that this Act shall not be construed to alter or affect the jurisdiction of any of Her Majesty's Supreme Courts of Justice.

BENGAL.—RUM.

ACT No. VI. OF 1841.

[*Passed on the 7th June*, 1841.

1. *Any person landing or attempting to land or introducing by land Rum or Rum Shrub, the produce of any foreign Country, or British possession into which foreign Sugar can be imported, such Rum or Rum Shrub shall be seized by the Collector, &c. and confiscated, &c. unless it come from a district authorized by Governor General in Council.*

2. *Owner of Rum or Rum Shrub wishing to have a certificate of origin shall make, &c. a declaration in Form A. and annex to it a Certificate of its truth from Government Officer at Distillery where the Rum, &c. was manufactured.*

3. *Certificate to be in Form B., if the Rum, &c. comes from a District into which the importation of Foreign Sugar or Rum has not been authorized.*

4. *Persons intending to ship Rum or Rum Shrub for the United Kingdom may produce a Certificate to the Collector of Customs and make and subscribe a Declaration in Form C.*

5. *Officer to Certify in Form D. unless he deems such Declaration fraudulent and untrue.*

6. *The above Certificates not to be given unless the Rum or Rum Shrub shall be the produce of a Distillery worked in the European method and under a License.*

7. *Rum or Rum Shrub for exportation shall be manufactured pure without admixture of Spirits made from Rice, Grain, or other substance not the produce of the Sugar Cane or of the Date or Palm-tree.*

8. *Rum, &c. adulterated or mixed contrary to the above prohibition to be confiscated.*

9. *Any person knowingly affirming any untruth in any Declaration, to be punished as for perjury; and persons procuring false affirmation to be punished as for subornation of perjury. Officer attesting Declaration as true, knowing it to be untrue, to be dismissed.*

Schedules A. B. C. D.

An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort William in Bengal.

I. It is hereby enacted, that if any person after the passing of this Act, lands or attempts to land, or shall introduce by land in any part of the Territories subject to the Government of the Presidency of Fort William in Bengal, any Rum or Rum Shrub, which is the produce of any foreign Country, or of any British possession into which foreign Sugar or Rum can be legally imported, such Rum or Rum Shrub shall be seized by the Collector of the Customs, or by any other Officer authorized to seize and detain Contraband Goods, and shall be brought to confiscation according to the rules in force for confiscating such goods, unless the District in which such Rum or Rum Shrub is landed, or in which an attempt has been made to land such Rum or Rum Shrub, be a district in which the Governor General of India in Council has authorized the importation of such Rum or Rum Shrub; and it shall be lawful for the Governor General of India in Council to authorize the importation of such Rum and Rum Shrub into any district of the Territories aforesaid by an order in the Official Gazette.

II. And it is hereby enacted, that if any owner of Rum or Rum Shrub, the produce of the said Territories, or the duly autho-

rized Agent of such owner, be desirous to obtain a Certificate of origin from the Collector or Assistant Collector of the Land or Customs Revenue of any district within the said Territories, or from any other Officer appointed by the Governor General of India in Council to give such Certificates, such owner or agent shall, in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a Declaration in the Form contained in the Schedule hereunto annexed marked A., and to the said Declaration shall be appended a Certificate to its verity from any Government Officer who may be attached to the Distillery where such Rum or Rum Shrub is declared to have been manufactured in the form prescribed in the said Schedule A.

III. And it is hereby enacted, that if the District be one into which the Governor General of India in Council has not, by any Order, authorized the importation of Foreign Sugar or Rum, or of Sugar or Rum the growth or produce of any British possession into which Foreign Sugar or Rum can be legally imported, then the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant, under his hand and seal, to the Declarant a Certificate in the form contained in the Schedule hereunto annexed marked B.

IV. And it is hereby enacted, that every person who intends to ship Rum or Rum Shrub from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other Officer who may have been appointed by the Governments of the respective Presidencies to act on that behalf in place of the Collector of Customs, a Certificate, such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a Declaration in the last mentioned form shall have been so made and subscribed, shall, unless he see cause to deem such Declaration fraudulent and untrue, grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed marked D.

VI. And it is hereby enacted, that the Owner of Rum or Rum Shrub intended for exportation under this Act, or the duly authorized Agent of such Owner shall not be entitled to any of the Certificates described in this Act unless such Rum or Rum Shrub shall be the produce of a Distillery worked according to law in the European method under Licence from the Board or other authority vested with the management of the Revenue derived from the Abkaree or Tax on Spirits.

VII. And it is hereby enacted, that the Rum and Rum Shrub manufactured for exportation to the United Kingdom under this Act at any Licensed Distillery shall be manufactured pure without admixture of Spirits made from Rice, Grain, or any other substance or substances not being the produce of the Sugar Cane or of the Date or Palm-tree, and shall be so declared and verified at the time of application for a Certificate of Origin according to the form of Schedule A.

VIII. And it is hereby enacted, that if any Rum or Rum Shrub that may be brought to any Custom House for exportation under this Act shall be found to be adulterated or mixed contrary to the above prohibition, the same, with the casks or materials in which it is contained, shall be seized and confiscated, and the party or parties upon whose Declaration Certificate of manufacture free from adulteration or mixture may have been granted for the admission of such Rum or Rum Shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such Declaration, shall be proceeded against for the false and fraudulent Declaration as hereinunder prescribed.

IX. And it is hereby enacted, that any person who shall in making any Declaration under the authority of this Act, knowingly affirm an untruth, shall on conviction thereof before such Court as would be competent to try such person for perjury, be punished as in cases of perjury ; and every person procuring another person to affirm such untruth shall be liable to be punished as in cases of subornation of perjury, and any Officer of Government subscribing an attestation to the verity of such Declaration, knowing the same to be untrue, shall be subject to a like penalty as the false Declarant, besides dismissal from the employment of Government.

SCHEDULE A.

I, A. B. solemnly declare that all the Rum or Rum Shrub hereinunder described is the produce of the Licensed Distillery named ———in the District of———, and that the said Rum or Rum Shrub is the produce of the Sugar Cane, Date, or Palm-tree, and wholly free from any admixture of Spirits manufactured from Rice, Grains, or any other substance whatever.

(Signed) * A. B.

The —— day of —— 18—.

* I. B. B. Government Officer in charge on the part of Government of the ——— Distillery, do hereby certify that the above is a true and correct Declaration.

B. B.

Govt. Officer attached to the
——— *Distillery.*

Description of the ——— to which the above Declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Marks on Packages.

(Signed) A. B.

The ——— day of ——— 18—.
Collector's number ———.
Collector's date ——— of ——— 18—.

(Signed) Y. Z. *Collector.*

Seal of the Collector.

SCHEDULE B.

I, C. D. Collector of Land Revenue (or Collector of Custom Revenue, or being an Officer appointed by the Governor General of

* This Declaration must be drawn out before the Rum leaves the Distillery in order that the attestation of the Government Officer may be attached.

India in Council to act in this behalf) for the District of ——— do hereby, in conformity with the provisions of Act ——— grant this Certificate, under my hand and seal, that the Rum or Rum Shrub described in the Declaration hereunto annexed, which is sealed with the seal of this office, numbered ——— of ——— 18 ——, dated the ——— of ——— 18 ——, and signed by ——— Manager or Owner of the Licensed Distillery called ——— is the produce of the District of ——— and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum and of Sugar and Rum the growth or produce of any British possessions into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District of ———.

L. S.

This —— day of ——— 18 ——. (Signed) C. D.

SCHEDULE C.

I, E. F. Shipper of the Rum or Rum Shrub hereinunder described, solemnly declare, that all the Rum or Rum Shrub hereinunder described, is, to the best of my knowledge and belief, the same Rum or Rum Shrub to which the Certificate now produced by me relates.

(Signed) E. F.

Description of ——— to which this Declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

The ——— day of ——— 18 ——. (Signed) E. F.

SCHEDULE D.

I, R. W. Collector of Customs, (or being an Officer appointed by the Governor General of India in Council to act in this behalf) for the Port of ———, certify under my hand and seal, that there has been produced to me by E. F. the Shipper of the Rum or Rum Shrub hereinunder described, a Certificate under the hand and seal

of C. D. Collector of Land Revenue, (or Collector of Custom Revenue, or being an Officer appointed by the Governor General of India in Council to act in this behalf) for the District of ———, in the Territories forming part of the Presidency of Fort William or Agra, which Certificate certifies that the said Rum or Rum Shrub is of the produce of the said District, and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum, or Sugar and Rum the growth or produce of any British possession into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District.

L. S. (Signed) R. W.

Collector of Customs.

The ——— day of ——— 18—.

Description of the ——— to which the Certificate relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) R. W.

Collector of Customs.

JUDICIARY.

ACT No. VII. OF 1841.

[*Passed on the* 14*th June*, 1841.

1. *Repeals all Regulations for taking evidence of absent witnesses.*

2. *Any Court, or Judge, in any Civil proceeding, may order the examination upon interrogatories or otherwise, before any Officer, &c. of any witnesses within its jurisdiction, or may issue a Commission to a subordinate Court for that purpose out of its jurisdiction, and give directions, &c. Court to which Commission is directed shall examine witnesses in open Court, &c. How Commissions to be executed within local limits of Her Majesty's Courts shall be directed.*

3. *Witnesses within the jurisdiction may be ordered to attend at their own*

place of residence or elsewhere and to produce documents. Disobedience to order a contempt of Court. Witnesses to be entitled to indemnity for expenses, &c.

4. *Courts and persons authorized to take examinations in pursuance of this Act may take them upon oath or affirmation; and any person wilfully and corruptly giving false evidence shall be deemed guilty of perjury, and person procuring it, of subornation of perjury.*

5. *No order or Commission to be issued for examination of witness unless the Court or Judge has reason to believe the witness will be unable to attend by reason of absence from the jurisdiction, &c. The Court, &c. to make particular inquiry as to present residence of witness, &c. and Commission to be directed to Court nearest such place of residence. Judge may execute Commission in his own Court or direct it to any inferior Court in his jurisdiction. Depositions under this Act, except, &c. not to be read unless the deponent is proved to be beyond the jurisdiction, or dead, or unable from sickness, &c. to attend personally, &c. Court may dispense with proof of such circumstances, or authorize the deposition to be read notwithstanding alteration of circumstances. Depositions to be read without proof of signature to certificate.*

6. *Commissions to be executed within the local limits of Supreme Courts to be directed to a Court of Requests within those limits.*

7. *Commissions may be issued for execution within the territories of Princes and States in alliance with the East India Company. Persons in service of East India Company required to obey such Commissions, &c.*

8. *Courts to which Commission is directed may punish disobedience to Commission as a contempt.*

An Act for a more uniform and an improved process for taking the examination of absent witnesses.

I. It is hereby enacted, that all Regulations and parts of Regulations for taking the examination of absent witnesses in any Presidency, are hereby repealed.

II. And it is hereby enacted, that it shall be lawful for any Court within the Territories under the Government of the East India Company, and the several Judges thereof, in every Civil proceeding, depending in such Court, upon the application of any of the parties to such proceeding, to order the examination, upon interrogatories or otherwise, before any Officer of any such Court, or other person or persons named in such order, of any witnesses within the jurisdiction of the Court where the proceeding shall be depending, or to order a Commission to issue to any subordinate Court for the examination of such witnesses upon interrogatories or otherwise, or to order a Commission to issue to any other Court for the examination of witnesses at any place or places out of such

jurisdiction upon interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions for taking such examinations as well within the jurisdiction of the Court wherein the proceeding shall be depending as without as may appear reasonable and just; provided always, that any Court to whom any such Commission shall be directed shall take the examination in open Court in all cases where witnesses are able to attend in Court and are not exempted from attendance by law, absolutely, or at the discretion of the Court. Provided also, that such Commissions as aforesaid for the examination of witnesses out of such jurisdiction may be directed otherwise than to some Court under special circumstances which may appear to the Court issuing the Commission to render such special direction expedient. Provided also, that all Commissions issued and Orders made by any Court of the East India Company, and which are required to be executed within the local limits of any of Her Majesty's Supreme Courts, shall be directed in manner hereinafter mentioned.

III. And it is hereby enacted, that when any Order shall be made for the examination of witnesses within the jurisdiction of the Court wherein any such proceeding as aforesaid shall be depending by the authority of this Act, it shall be lawful for the Court, or any Judge thereof, in and by the first Order to be made in the matter, or any subsequent Order, to command the attendance of any such person to be named in such Order, and to direct the attendance of any such person to be at his own place of residence or elsewhere, if necessary or convenient so to do, and to produce all necessary documents and papers. And the wilful disobedience to any such Order shall be deemed a contempt of Court and punishable as in other cases of refusing or neglecting to give testimony. Provided always, that every person whose attendance shall be required under this Act shall be entitled to the like payment for expenses and loss of time as upon attendance in Court in cases where such expenses are now allowed.

IV. And it is hereby enacted, that it shall be lawful for every Court or person authorized to take the examination of witnesses by any Order or Commission issued in pursuance of this Act, and they are hereby authorized and required to take all such examinations upon oath or affirmation where an affirmation is admissible or

required upon a trial, and if upon such oath or affirmation any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and every person causing or procuring another person to commit the offence of perjury hereby defined shall be guilty of subornation of perjury.

V. And it is hereby enacted, that before any Order or Commission for the examination of any witness under this Act shall be issued, the Court or Judge issuing the same shall be satisfied that there is good reason for believing that the witness will be unable to attend at the usual time for examination by reason of absence from the jurisdiction, sickness or other cause allowed by law. And before granting any such Commission, the Court granting the same shall make particular enquiry as to the present residence of the witness whose deposition is to be taken under such Commission, and as to the Court of the same degree as the Court granting such Commission, or of inferior degree to such Court which may be nearest to the place of residence of the witness, and the Commission shall ordinarily be directed to such Court of equal or inferior degree as may most conveniently execute the same. Provided however, that if there be doubt as to which is the most convenient Court of equal or inferior jurisdiction, such Commission may be directed to the Judge having jurisdiction within the district within which the Commission is to be executed. And the Judge shall at his discretion execute the Commission in his own Court, or direct it to any subordinate Court within his District, which shall have the same effect for all the purposes of this Act as if the Commission had in the first instance been directed to such subordinate Court. And no deposition taken under this Act, except as hereinafter mentioned, shall be read in evidence without the consent of the party against whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant without collusion more than 50 coss from the place where the Court is held, or exempted by law, absolutely or at the discretion of the Court, from personal appearance in Court, or unless the Court shall at its discretion dispense with the proof of any of the above circumstances, or shall authorize the deposition of any wit-

ness being read in evidence notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same: and after the witness shall be produced, and shall have delivered his testimony, it shall be lawful for the Court at its discretion to authorize the reading of the deposition. And all depositions taken under this Act, being duly certified, may be read, at the discretion of the Court, without proof of the signature to such certificate.

VI. And it is hereby enacted, that any Court other than one of Her Majesty's Courts, or any Judge thereof, may issue such Commissions as aforesaid, and such Orders as are indicated in the second and third Sections of this Act to be executed within the local limits of the jurisdiction of any of Her Majesty's Courts, and all such Commissions and Orders except when directed otherwise than to a Court, shall be directed to a Court of Requests having jurisdiction within such limits or any part thereof.

VII. And it is hereby enacted, that such Commissions and Orders as aforesaid may be issued for execution under this Act within the territories of Princes and States in alliance with the East India Company, and all persons within such last mentioned territories being in the service of the East India Company are hereby required to pay obedience thereto, and for disobedience thereof shall on being found within the jurisdiction of the Court or Judge issuing any such Commission or Order, be punishable in like manner, as if such offence had been committed within such jurisdiction; and for giving false testimony under the same shall be punishable by any Court of Justice within the territories of the East India Company.

VIII. And it is hereby enacted, that whenever the evidence of any absent witness shall be required out of the jurisdiction of the Court in which the proceedings for which the evidence is wanted may be pending, and the Commission shall be directed to any Court, such Court may punish the wilful disobedience of any such Order as aforesaid as a contempt notwithstanding it shall not itself have made such Order, with the same amount of punishment as in other cases of refusing or neglecting to give testimony.

ENGLISH LAW.—INTERPLEADER.

ACT No. VIII. OF 1841.

[*Passed on the 21st June,* 1841.

1. *Person sued at Law, in Assumpsit, Debt, Detinue or Trover, for money or goods wherein he has no interest, and also claimed by some third party, may in case he does not collude with such third party be relieved by Court in such manner as the Court may order, either by a feigned issue or in a summary manner.*

2. *The judgment in the issue, &c. directed by the Court, and the decision on the summary proceeding shall be final and conclusive.*

3. *If the third party making the claim does not appear to support his claim, the Court may declare him for ever barred from prosecuting his claim against the original Defendant, but he may still prosecute his claim against the original Plaintiff.*

4. *Orders made by a single Judge liable to be rescinded by the Court like other orders made by a single Judge.*

5. *Proceedings commenced before a single Judge may by him be referred to the Court, which may dispose of the matter as if the proceeding had commenced by rule of Court.*

6. *Empowers the Court to grant the like relief to Sheriffs and other Officers having the execution of process, in case goods seized by them are claimed by third parties.*

7. *Rules, &c. to be entered of Record; Rule, &c. entered of Record to have the force of judgment, and costs directed by it to be paid may be recovered by Fieri Facias, &c.*

An Act to enable Her Majesty's Supreme Courts within the Territories of the East India Company to give relief against adverse claims made upon persons having no interest in the subject of such claims.

I. Whereas it often happens that a person sued at Law for the recovery of Money or Goods wherein he has no interest, and which are also claimed of him by some third party, has no means of relieving himself from such adverse claims but by a suit in Equity against the Plaintiff and such third party, usually called a Bill of Interpleader, which is attended with expense and delay;

It is hereby enacted, that upon application made by or on the behalf of any Defendant sued in any of Her Majesty's Supreme Courts in any action of Assumpsit, Debt, Detinue, or Trover, such application being made after declaration and before plea by Affi-

davit or otherwise, showing that such Defendant does not claim any interest in the subject matter of the suit, but that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same, and that such Defendant does not in any manner collude with such third party, but is ready to bring into Court or to pay or dispose of the subject matter of the action in such manner as the Court (or any Judge thereof) may order or direct, it shall be lawful for the Court, or any Judge thereof, to make rules and orders, calling upon such third party to appear and to state the nature and particulars of his claim, and maintain or relinquish his claim, and upon such rule or order to hear the allegations as well of such third party as of the Plaintiff, and in the mean time to stay the proceedings in such action, and finally to order such third party to make himself Defendant in the same or some other action, or to proceed to trial on one or more feigned issue or issues, and also to direct which of the parties shall be Plaintiff or Defendant on such trial, or with the consent of the Plaintiff and such third party, their Counsel or Attornies to dispose of the merits of their claims, and determine the same in a summary manner, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

II. And it is hereby enacted, that the judgment in any such action or issue as may be directed by the Court or Judge, and the decision of the Court or Judge in a summary manner, shall be final and conclusive against the parties and all persons claiming by, from, or under them.

III. And it is hereby enacted, that if such third party shall not appear upon such rule or order to maintain or relinquish his claim, being duly served therewith, or shall neglect or refuse to comply with any rule or order to be made after appearance, it shall be lawful for the Court or Judge to declare such third party, and all persons claiming by, from, or under him to be for ever barred from prosecuting his claim against the original Defendant, his Executors or Administrators; saving nevertheless the right or claim of such third party against the Plantiff; and thereupon to make such order between such Defendant and the Plaintiff, as to costs or other matters, as may appear just and reasonable.

IV. And it is hereby provided, that every order to be made in pursuance of this Act by a single Judge not sitting in open Court, shall be liable to be rescinded or altered by the Court in like manner as other orders made by a single Judge.

V. And it is hereby enacted, that if upon application to a Judge, in the first instance or in any later stage of the proceedings, he shall think the matter more fit for the decision of the Court, it shall be lawful for him to refer the matter to the Court, and thereupon the Court shall and may hear and dispose of the same in the same manner as if the proceeding had originally commenced by the rule of Court instead of the order of a Judge.

VI. And whereas difficulties sometimes arise in the execution of process against Goods and Chattels issued by or under the authority of the said Courts, by reason of claims made to such Goods and Chattels by Assignees of Bankrupts and other persons not being the parties against whom such process has issued, whereby Sheriffs and other Officers are exposed to the hazard and expense of actions; and it is reasonable to afford relief and protection in such cases to such Sheriffs and other Officers; it is therefore hereby further enacted, that when any such claim shall be made to any Goods or Chattels taken or intended to be taken in execution under any such process or to the proceeds or value thereof, it shall and may be lawful to and for the Court from which such process issued, upon application of such Sheriff or other Officers made before or after the return of such process, and as well before as after any action brought against such Sheriff or other Officer, to call before them by rule of Court as well the party issuing such process as the party making such claim, and thereupon to exercise for the adjustment of such claims and the relief and protection of the Sheriff or other Officer, all or any of the powers and authorities hereinbefore contained, and make rules and decisions as shall appear to be just, according to the circumstances of the case, and the costs of all such proceedings shall be in the discretion of the Court.

VII. And it is hereby enacted, that all Rules, Orders, Matters and Decisions to be made and done in pursuance of this Act except only the Affidavits to be filed, may, together with declaration

in the cause if any, be entered of record with a note in the margin, expressing the true date of such entry, to the end that the same may be evidence in future times if required, and to secure and enforce the payment of costs directed by any such Rule or Order, and every such Rule or Order so entered shall have the force and effect of a judgment except only as to becoming a charge on any Lands, Tenements or Hereditaments; and in case any costs shall not be paid within fifteen days after notice of the taxation and amount thereof given to the party ordered to pay the same, his Agent or Attorney, execution may issue for the same by *Fieri Facias*, or *Capias ad satisfaciendum*, adapted to the case, together with the costs of such entry, and of the execution if by *Fieri Facias*, and such Writ or Writs may bear Teste on the day of issuing the same, whether in term or vacation, and the Sheriff or other Officer executing any such Writ shall be entitled to the same fees, and no more as upon any similar Writ grounded upon a judgment of the Court.

BENGAL.—ABKAREE REVENUE.

ACT No. IX. OF 1841.

[*Passed on the* 28*th June*, 1841.

1. *Modifies Section* 14, *Act* 25, 1840. *Offenders under that Section punishable with fine not exceeding* 200 *Rupees, or imprisonment not exceeding* 3 *months: or to like imprisonment if fine not paid. Sentence to be adjudged by Superintendent of Abkaree Revenue.*

An Act concerning the adjudication of certain penalties imposed by Act XXV. of 1840, for the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal.

I. It is hereby enacted, in modification of Section XIV. Act XXV. of 1840, that offenders punishable under the said Section of the said Act, shall be liable to a fine not exceeding 200 Rupees, or to imprisonment for a term not exceeding three months, and in case of non-payment of the fine, to imprisonment not exceeding the same term. And the sentence shall in every case, be adjudged by a Superintendent of Abkaree Revenue, indicated in Section II. of the said Act.

SHIP REGISTER ACT.

ACT No. X. OF 1841.

[*Passed on the 5th July*, 1841.

1. *Preamble Enacts: No ship, &c. to be deemed a British Ship unless it is registered and a Certificate in the form set forth has been obtained. Form of Certificate.*

2. *What shall be registering ports. Ships built at other places, may make voyage to intended port under a specified Certificate, and shall be deemed British Ships whilst proceeding on such voyage.*

3. *Registrars under former law to be Registrars under present.*

4. *At every registering port a book of registry to be kept.*

5. *Declaration to be made, &c. by owner, &c. of ship before it is registered. Form of Declaration.*

6. *What further declaration shall be made if the required number of owners do not attend.*

7. *In order to secure a correct Certificate, Government may appoint proper persons to examine and admeasure every ship, &c. who shall certify the measurement, &c.*

8. *The rules by which the measurement shall be made.*

9. *In what manner the measurement of steam vessels shall be made.*

10. *An alteration in the cubical contents of the engine room shall render a new registry necessary.*

11. *In what manner the measurement of ships having their cargo on board shall be made.*

12. *The registered tonnage of every ship to be carved in figures and on the main beam of every ship prior to being registered.*

13. *Country craft not exceeding* 200 *tons may be registered according to rules prescribed by local Governments.*

14. *Registered tonnage to be ever after deemed the true tonnage, unless an alteration be made in the burden of the ship, or unless error in computation is discovered.*

15. *If Certificate of registry shall be sold, lent, or otherwise disposed of for use, &c. not intended, with privity, &c. of master or owner, party offending shall be liable to penalty not exceeding* 10,000 *Rupees. In case ship is lost or taken by the enemy, burnt or broken up, &c. or registered de novo, the Certificate of registry preserved shall be delivered up, &c. to Registering Officer, or in default thereof, master or owners to be liable to penalty not exceeding* 5,000 *Rupees. In case of change of ownership Certificate to be delivered up to Registering Officer, &c. and in default thereof master or owner to be liable to penalty not exceeding* 5,000 *Rupees.*

16. *In case of change of master, the change to be indorsed, &c. on certificate of registry, &c.*

17. *Registered name of ship not to be changed. Name of ship to be painted in white or red letters on a black ground at stern of the ship, and if wilfully*

altered, erased, &c. master or owners, &c. to be liable to penalty not exceeding 10,000 *Rupees.*

18. *Persons applying for Certificate of Registry shall produce a full particular by the builder, or other sufficient evidence of the time and place where the ship was built, and of her tonnage, &c.*

19. *If Certificate of Registry is lost or mislaid, the Registering Officer, &c. may permit ship to be registered de novo, and grant a new Certificate. If Certificate is afterwards found, it shall be delivered up, &c.*

20. *Persons detaining the Certificate of Registry, &c. shall on conviction be liable to penalty of* 1,000 *Rupees, after which the Registering Officer may register ship de novo and grant new Certificate, &c.*

21. *If ship is altered so as no longer to correspond with her register, or if the ownership is altered, she shall be registered de novo.*

22. *To prevent the necessity of subpœnaing Registering Officer, copies and extracts of registry, &c. shall be evidence, &c.*

23. *Any person making false declaration, or counterfeiting, &c. any Certificate, &c. shall be liable to penalty not exceeding* 10,000 *Rupees.*

24. *If Registered vessel comes to be owned by Native Prince or State, the Governor of any Presidency may continue to such ship the privileges of a British Ship by a pass, &c. stating the period, &c. for which it is to last. And the like pass may be granted to ships built within the dominions of such Native Prince or State, &c.*

25. *The fees payable for Certificate or Pass to be fixed by the Governor General in Council.*

26. *Ships to be deemed to belong to the ports at which they are registered, &c. Proclamation.*

An Act for prescribing the Rules to be observed, in order that ships or vessels belonging to ports within the Territories, under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council, made in pursuance of the Statute 3d and 4th Victoria Ch. 56.

I. Whereas by a Statute passed in the 3d and 4th years of Her Majesty Queen Victoria, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," it is enacted "That it shall be lawful for the Governor General of India in Council, by Proclamation, to declare that all ships or vessels built or to be built within the limits of the Charter of the East India Company, being owned by Her Majesty's subjects for whom the said Governor General in Council has power to legislate, and belonging, under the Regulations

hereinafter provided for, to any ports in the territories under the Government of the said Company, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope, and the territories and dependencies thereof; provided that upon such declaration being made the said Governor General in Council shall, and the said Governor General in Council is hereby accordingly empowered to make Regulations, to be enforced by suitable penalties, concerning the registering, licensing and ascertaining the admeasurement of the tonnage and burden, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas it is further enacted in the same Statute as follows, that is to say, " And whereas it may be expedient to admit to similar privileges and advantages any ships or vessels belonging to Native Princes or States in subordinate alliance with, or having subsidiary treaties with the East India Company, or owned by subjects of any such Princes or States, be it therefore enacted that the Governor General of India in Council may, by such Regulations as aforesaid, such regulations being subject as aforesaid, admit to the privileges and advantages of British ships for the purposes of trade within the limits of the Charter of the said Company, including the Cape of Good Hope, and the territories and dependencies thereof, or to any of such privileges and advantages, any ships or vessels belonging to such Princes or States, or any of them, or owned by subjects of any such Princes or States; but any such Regulations shall provide for the granting to such ships or vessels fit and convenient licences or passes, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas in pursuance of such enactments, it is expedient to frame such Regulations as are mentioned therein the compliance with which shall be required in order that ships or vessels may be deemed British ships, or be admitted to the privileges and advantages of British ships under such Proclamation as aforesaid;

It is hereby enacted, that no ship or vessel shall be deemed a a British ship under such Proclamation as aforesaid (except as regards ships or vessels registered before the passing of this Act, or having a pass at the time of passing thereof) unless the person or persons claiming property therein shall have caused the same to

have been registered at some one of the ports hereinafter mentioned within the territories of the East India Company, and shall have obtained a certificate of such registry from the person or persons authorised to make such registry and grant such certificate as hereinafter directed; the form of which certificate shall be as follows:

"This is to certify, that in pursuance of the Act No. X. of 1841, of the Governor General of India in Council (here insert the names and occupation and residence of subscribing owners) having made and subscribed the declaration required by the said Act and having declared that (he or they) together with (names, occupations and residence of non-subscribing owners,) (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship or vessel called the (ship's name) of (place at which the vessel shall be registered) which is of the burthen of (number of tons), and whereof (master's name) is master, and that the said ship or vessel was (when and where built) and (name and employment of Surveying Officer) having certified to us, that the said ship or vessel has (number) decks and (number) masts, that her (here insert the measurement as ascertained by the rules hereinafter mentioned) that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincher) built, has (whether any or no) gallery, and (kind of head, if any) head: and the said subscribing owners having consented and agreed to the above description, the said ship or vessel called the (name) has been duly registered at the port of (name of port), certified under our hands at the Custom House, in the said port of (name of port), this (date) day of (name of month) in the year (words at length).

(Signed) ———— Collector or Registrar of Shipping.

And on the back of such certificate of registry, there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following:

Names of several owners within mentioned.	*Number of shares held by each owner.*
Name	Thirty-two.
Name	Sixteen.
Name	Eight.
	&c. &c."

(Signed) ——— Collector.

II. And it is hereby enacted, that the ports at which registration shall be made, shall be the ports of Calcutta, Madras, Bombay, Singapore, and such other places subordinate to the local Governments of India, as such Governments respectively may, from time to time, declare to be registering ports under this Act. Provided, that ships or vessels built at any place other than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British Officer at the place where the ship is built, or if there be no British Officer in authority there, then by three merchants of such place, which certificate shall contain all the particulars with regard to the ownership and description of the ships or vessels contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act, during the first voyage from the place of building to the ports at which the ships or vessels respectively shall be afterwards registered. Provided that such ships or vessels so proceeding on their first voyage as aforesaid shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a resonable time after their arrival at the port of registry, the owner or owners, or master or other person having or taking the command or charge of such ship or vessel shall be liable on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies to a penalty not exceeding 5,000 Rupees.

III. And it is hereby enacted, that the persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the persons now authorized to make registry of ships or vessels under the Statute 3 and 4 W. 4. Ch. 55, and such other or different persons as the local Governments may from time to time appoint for the ports under their respective Presidencies.

IV. And it is hereby enacted, that at every port where registry shall be made in pursuance of this Act, a book shall be kept by the Registering Officer, in which all the particulars contained in the form of the certificate of the registry hereinbefore directed to

be used shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year. And such Registering Officer shall forthwith, or within one month at the furthest, send to the Government of the Presidency to which he is subordinate, a true and exact copy, together with the number of every certificate which shall be by him so granted.

V. And it is hereby enacted, that no registry shall henceforth be made or certificate be granted, until the following declaration be made or subscribed before the Registering Officer, by the owner or major part of the owners of the ship or vessel required to be registered:—

I, A. B, of (place of residence and occupation) do truly declare that the ship or vessel (name) of (port or place) whereof (master's name) is at present master, being (kind of build, burthen, et cetera, as described in the certificate of the Surveying Officer) was (when and where) built, and that I the said (A B.) and the other owners (names and occupations if any and where they respectively reside) am (or are) sole owner (or owners) of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said (A. B.) and the said other owners (if any) am (or are) truly and *bonâ fide* a subject (or subjects) of Her Majesty, for whom the Governor General of India in Council, has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship or vessel. Provided that if the Registering Officer shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the local Government to which he is subordinate.

VI. And it is hereby enacted, that in case the required number of joint owners of any ship or vessel shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid, shall further declare that the part owner or part owners

of such ship or vessel then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

VII. And in order to enable the Registering Officer to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other Officers of Customs on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted, it is hereby enacted, that previous to the registering or granting of any certificate of registry as aforesaid some one or more person or persons appointed by the local Governments respectively, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships, shall go on board of every such ship or vessel that is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate hereinbefore directed in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master, and shall deliver a true and just account in writing of all such particulars of the build, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited to the Officer authorized to make such registry and grant such certificate of registry as aforesaid; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such Surveying or Examining Officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

VIII. And it is hereby enacted, that from and after the commencement of this Act the tonnage of every ship or vessel required by law to be registered, shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to

the following rule; (that is to say) divide the length of the upper deck between the afterpart of the stem and the forepart of the sternpost into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot, the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts and measure the inside breadths at the following points, videlicet, at one-fifth and at four-fifths from the uppper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the after-part of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths; add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register. If the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth and height of such part thereof as may be included within the bulk-head; multiply these three measurements together and dividing the product by 92.4, the quotient will be the number of tons to be added to the result as above found. In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

IX. And it is hereby provided, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel. The tonnage due to the cubical contents of the engine room shall be determined in the

following manner; that is to say, measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine room.

X. And it is hereby provided, that the tonnage due to the cubical contents of the engine room and also the length of the engine room shall be set forth in the certificate of registry as part of the description of the ship or vessel, and that any alteration of such tonnage due to the cubical contents of the engine room or of such length of the engine room, after registry, shall be deemed to be an alteration requiring registry de novo within the meaning of the said Act for the registering of ships or vessels.

XI. And it is hereby enacted, that for the purpose of ascertaining the tonnage of all such ships whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and is hereby established; (that is to say,) measure, first, the length on the upper deck between the afterpart of the stem and the forepart of the stern-post; secondly, the inside breadth on the underside of the upper deck at the middle point of the length; and, thirdly, the depth from the underside of the upper deck down the pump-well to the skin, multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

XII. And it is hereby enacted, that the true amount of the register tonnage of every merchant ship or vessel belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length, on the main beam of every such ship or vessel, prior to her being registered.

XIII. And it is hereby provided, that Country craft employed in coasting voyages not exceeding the burden of 200 tons, may be registered and the tonnage marked according to rules to be prescribed from time to time by the respective local Governments.

XIV. And it is hereby enacted, that whenever the tonnage of any ship or vessel shall have been ascertained according to the rules herein prescribed, such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form and burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

XV. And it is hereby enacted, that if such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person or persons whatever than those for whose use it is granted, or shall be made use of for the service of any other ship or vessel than the ship or vessel for which it is granted, such certificate shall thenceforth be utterly void, and the master or any owner of the ship or vessel who shall be proved to have sold, lent, or disposed of such certificate, or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable upon conviction by information as aforesaid to a penalty not exceeding 10,000 rupees. And in case such ship or vessel shall be lost or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown or the East India Company, or shall, under any circumstances, have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in the territories of the East India Company to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable on conviction by information as aforesaid to a penalty not exceeding 5,000 rupees. And if any person not being such subject as aforesaid shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of the territories of the East India Company, then and in such case the certificate of registry shall within seven days after such purchase or transfer of property in such ship or vessel,

be delivered up to the Registering Officer at such port, and if such ship or vessel shall be in any place not within the territories of the East India Company when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or vessel, or of the master thereof in any port of the territories of the East India Company to the Registering Officer at such port, in default whereof the master or any of the owners shall be liable on conviction before any Justice of the Peace in a penalty not exceeding 5,000 rupees, recoverable in manner provided by Act No. II. of 1839.

XVI. And it is hereby enacted, that when and so often as the master of any ship or vessel registered in manner hereinbefore directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorized to make such registry and grant such certificates of registry at the port where such change shall take place, if it be a port within the territories of the East India Company, the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within the territories of the East India Company, then such delivery, memorandum and indorsement shall be made and notice given at the first port within the territories of the East India Company at which the new master shall arrive after such change. In default of which delivery of the certificate such new master or any of the owners shall be liable on conviction before a Justice of the Peace, to a penalty not exceeding 5,000 rupees recoverable as aforesaid.

XVII. And it is hereby enacted, that it shall not be lawful for any owner or owners of any ship or vessel, to give any name to such ship or vessel other than that by which she was first registered in pursuance of this Act, and that the owner or owners of all and every ship or vessel which shall be so registered, shall,

before such ship or vessel, after such registry, shall begin to take in any cargo, paint, or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs in a distinct and legible manner, and shall so keep and preserve the same, and that if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in any wise hide or conceal, or cause or procure or permit the same to be done, or shall in any written or printed paper, or other document describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name to any Officer or Officers of Revenue in the due execution of his or their duty, then and in every such case the certificate of registry shall thenceforth become utterly void, and such owner or owners, or master or other person having or taking the charge or command of such ship or vessel shall be liable on information as aforesaid to a penalty not exceeding 10,000 rupees.

XVIII. And it is hereby enacted, that all and every person and persons who shall apply for a cetificate of the registry of any ship or vessel shall, and they are hereby required to produce to the person or persons authorized to grant such certificate, a true and full particular under the hand of the builder of such ship or vessel, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid.

XIX. And it is hereby enacted, that if the certificate of regis-

try of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship is registered, such Officer shall and may, where the certificate shall have been lost or mislaid, permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted. Provided always that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such Registering Officer shall and may gant a license for the present use of such ship or vessel, which license shall for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act. Provided always that if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper Officers of Customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and licence shall thenceforth become utterly void, and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable on conviction before any Justice in a penalty not exceeding 5,000 rupees recoverable as aforesaid.

XX. And whereas it is not proper that any person under any pretence whatever should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted, it is therefore hereby enacted, that in case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any such ship or vessel (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel, or not,) shall wilfully detain and refuse to deliver up the same to the proper Officers of Customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master, or as the ostensible and reputed

owner or owners thereof, it may and shall be lawful to and for any such last mentioned person to make complaint on oath of such detainer and refusal to any Justice of the Peace residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall and is hereby required by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal, and if it shall appear to the said Justice on examination of such person or otherwise that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be subject on conviction before such Justice to a penalty not exceeding 1,000 rupees, recoverable as aforesaid, and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel who shall on the terms and conditions of law being complied with make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered *de novo*; and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said warrant of the Justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Registering Officer of the port at which the ship or vessel was registered, it shall be lawful for the said Officer to permit such ship or vessel to be registered *de novo*, or otherwise, in his discretion, to grant a license for the present use of such ship or veesel in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

XXI. And it is hereby enacted, that if any ship or vessel after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or vessel, or of any share or shares thereof, in such cases such ship or vessel shall be registered *de novo* in manner hereinbefore required, as soon as she returns to the port to which she be-

longs, or to any other port within the territories of the East India Company, on failure whereof such ship or vessel shall be deemed to be a ship or vessel not duly registered, and any person making use of a certificate for the purposes of any ship or vessel which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable on conviction before any Justice to a penalty not exceeding 5,000 rupees recoverable as aforesaid.

XXII. And whereas great incovenience may arise from the Registering Officers being served with subpœnas requiring them to bring with them and produce, on trials in Courts of Law relative to the ownership of vessels or otherwise, the declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom. And whereas it would tend much to the dispatch of business if the attendance of such Registering Officers with the same upon such trials were dispensed with: it is therefore hereby enacted, that the Registering Officer at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination any declaration made by any such owner or owners, and also any register or entry in any book or books of registry required, and shall upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies, or an extract or extracts thereof respectively, and that the copy and copies of any such oath or declaration, register or entry, shall upon being proved to be true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law without the production of the original or originals, and without the testimony or attendance of any Registering Officer, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such originals if produced by any Registering Officer, or other person or persons acting for them, could or might legally be admitted or received in evidence.

XXIII. And it is hereby enacted, that if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons

shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, falsified, or shall wilfully grant such certificate or other instrument in writing knowing it to be false, such person or persons shall for every such offence be liable on conviction upon information as aforesaid to a penalty not exceeding 10,000 rupees. And if any such offence be committed by the owner of any ship or vessel, the certificate of such ship or vessel shall thenceforth be wholly void.

XXIV. And it is hereby enacted, that when any ship or vessel duly registered under this Act, or sailing under the British Navigation Law, shall come to be owned by a Native Prince or State, or by any subject of such Native Prince or State as aforesaid, it shall be lawful for the Governor of Fort William in Bengal, or for the Governor in Council of any Presidency to continue to such ship or vessel the privileges and advantages of a British ship for the purposes aforesaid by a pass to be issued under the Company's Seal and subscribed by a Secretary to Government stating the voyage or voyages for which the same is to have effect, and the period for which it is to last; and it shall be lawful for the Governor of Fort William in Bengal, or the Governor in Council of any Presidency, to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship or vessel built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of their subjects, provided always, that the ships belonging to Native Princes or States, or their subjects, in respect of which passes may be granted under this Act shall, during the voyage or voyages, or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor General in Council has power to legislate.

XXV. And it is hereby enacted, that the fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the Governor General in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships or vessels at the different Presidencies.

XXVI. And it is hereby declared and enacted, that all ships or vessels registered under this Act, shall be deemed to belong to the ports at which they shall be respectively registered. And all ships or vessels being registered or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall for the purpose of being deemed British ships be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. And such ships or vessels built and owned as required by the Statute 3 and 4 Vict. Cap. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretofore have been necessary in order that ships or vessels built and owned as aforesaid might be deemed British ships for the purposes of trade.

PROCLAMATION.

The Governor General of India in Council hereby declares that all ships and vessels built or to be built within the limits of the Charter of the East India Company (as those limits are defined by the Statute 3d and 4th of Queen Victoria, Cap. 56, entitled " An Act further to regulate the trade of ships built and trading within the limits of the East India Company's Charter,") being owned by Her Majesty's subjects for whom the said Governor General in Council has power to legislate, and belonging under the provisions of the Act passed by the Governor General in Council No. X. of 1841, to any ports in the territories under the Government of the East India Company shall be deemed to be British ships for all purposes of trade within the said limits, including the Cape of Good Hope and the territories and dependencies thereof.

MILITARY COURTS OF REQUESTS.

ACT NO. XI. OF 1841.(a)

[*Passed on the 5th July*, 1841.

1. *Repeals all Regulations concerning Military Courts of Requests. Act not to affect the jurisdiction of a single Officer in Madras and Bombay for trial of small suits, &c.*

2. *Actions against Native Officers, &c. shall be cognizable before a Military Court if value does not exceed* 200 *Rupees. But disputes of caste and concerning real property not to be determined before Military Court.*

3. *Commanding Officer to convene Military Court. Court to be composed according to orders of Commander-in-Chief, or, in absence of orders, according to discretion of Convening Officer, of* 3 *European or Native Commissioned Officers, and if of Native, with one European Officer to superintend, &c.*

4. *Such Courts to be held monthly before pay day.*

5. *Forms of proceeding to be conformable to usages of Courts Martial. Court may summon witnesses and examine or dispense with attendance of parties at discretion, and may exercise powers created by Act* 7, 1841, *&c.*

6. *Witnesses omitting to attend, refusing to give evidence, &c. to be tried and punished, if amenable to Articles of War, by Court Martial; if not so amenable, in the nearest Court of the East India Company, &c.*

7. *Any person using menacing words, &c. or otherwise interrupting the proceedings of Court, to be tried and punished by like Courts respectively.*

8. *A record to be kept of every case tried before Military Court of Requests, &c. and to be transmitted to the Officer Commanding the Station or Cantonment.*

9. *Where demand exceeds* 200 *Rupees, only that sum to be recoverable from one defendant by one plaintiff. Court may allow interest agreed upon not exceeding the rate established by usage. Contracts to be in writing, if debt exceeds* 20 *Rupees and is not for goods bought and delivered. Debt not recoverable after six years, unless promise to pay within that period.*

10. *Court may proceed in absence of the party, if he makes default after being duly required to produce his witnesses.*

11. *Commanding Officer may return proceedings for revision by the same or another Court. Second decree to be final, except in case of error of law. In case of new trial, further evidence may be received.*

12. *Plaintiff to prefer his claim in writing and deliver to the Station Officer. Claims to be scheduled and sent by Station Officer to Adjutants, &c.*

(a) Extended by Act No. 12 of 1842 to all persons serving with any part of the army, and receiving public pay in any capacity, menial servants and camp followers of every description.

13. *Every decree of any Military Court of Requests to be published in Station Orders.*

14. *The execution of decrees may be either general or special.*

15. *Under general execution, if debt not paid forthwith, it may be levied on Debtor's Goods any where, and if Goods not sufficient, the debtor, unless a Soldier, may be imprisoned for two months and his Goods taken afterwards; and if a Soldier, it may be deducted from his pay.*

16. *Special execution may be satisfied out of pay and allowances of debtor. But not more than half of the pay, &c. of Commissioned Officers, or one-fourth of Non-Commissioned or Soldiers, to be stopped in any one month.*

17. *Beyond the Frontier, action to be for any amount, with appeal to the Sudder Adawlut of nearest Presidency if amount exceed* 200 *Rupees.*

18. *Act not to affect proceedings commenced before* 10*th August.*

An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the Service of the East India Company.

I. It is hereby enacted, that all Regulations and parts of Regulations concerning Military Courts of Requests are repealed; provided always, that nothing in this Act contained shall be held to alter or effect the jurisdiction of a single Officer duly authorized and appointed under the Rules in force in the Madras and Bombay Presidencies for the trial of small suits in Military Bazars at Cantonments and Stations occupied by the Troops of those Presidencies respectively, or the trial by Punchayet of suits against Military persons according to the Rules in force under the Madras Presidency.

II. And it is hereby enacted, subject to the aforesaid proviso, that within the territories of the East India Company actions of debt and other personal actions against Native Officers, Soldiers and other persons amenable to the Articles of War for the Native Forces in the military Service of the East India Company or residing within any Station or Cantonment, and carrying on any trade or business in a Military Bazar, shall be cognizable before a Military Court and not elsewhere, provided the value in question shall not exceed 200 Rupees, and the defendant was a person of the description abovementioned when the cause of action arose, and when the suit was instituted. Provided that no suit shall be brought before any Military Court under this Act to determine any dispute of caste or concerning any right to real property.

III. And it is hereby enacted, that the Commanding Officer of any Station or Cantonment, or Officer commanding any portion of Troops in the field, is authorized to convene such Military Courts. And such Courts shall be composed, according to the orders of the Commander-in-Chief for the time being of the Presidency within which the Station or Cantonment is situate, or, in the absence of such orders, according to the discretion of the Convening Officer, either of not less than three European Commissioned Officers, or of not less than three Native Commissioned Officers, and, in the latter case, with a European Officer of not less than five years' standing, to superintend and record the proceedings. Provided that if there be not a sufficient number of Officers to constitute a Court at the Station or Cantonment where any cause of action may arise, or where the defendant may be residing, the suit shall be determined at the nearest Station or Cantonment where a Military Court can be duly constituted as aforesaid.

IV. And it is hereby enacted, that such Military Courts shall be convened monthly, and shall be holden on some convenient day before the issue of the pay for each month.

V. And it is hereby enacted, that the forms of proceeding in every such Court shall be conformable to the usages observed on trials before Courts Martial held for the Native Troops in the service of the East India Company, as far as the same are applicable. And any such Court shall have the like power of summoning witnesses as is possessed by Courts Martial. Provided always, that every such Court shall have the power of examining the parties to any suit, and of requiring or dispensing with their attendance at its discretion. And every such Court shall have the like power of taking the examinations of absent parties and witnesses as is possessed by the Civil Courts of the East India Company, under Act No. VII. of 1841, provided that the depositions taken under a Commission issued by any Military Court of Requests shall be receivable in evidence before any such Court subsequently held: Provided also that Commissions may be issued by Military Courts of Requests under this Act pursuant to the provisions of Act No. VII. of 1841, notwithstanding the Courts to which the Commissions may be directed are not situate beyond the jurisdiction of such Military Courts.

VI. And it is hereby enacted, that witnesses omitting to attend, refusing to give evidence, or committing perjury, and persons suborning witnesses to commit perjury, shall be tried and punished, if amenable to Articles of War, by a Court Martial, subject to all the Rules contained in such Articles of War for the punishment of such offences in regard to trials for Military offences; and if not amenable to Articles of War, they may be tried and punished in the nearest of the Courts of the East India Company for the administration of Criminal Justice (whether such Court have ordinarily jurisdiction over such person in Criminal matters or not) in like manner as if such offences had been committed in regard to any trial before such nearest Court.

VII. And it is hereby enacted, that any person, Civil or Military, European or Native, using menacing words, signs, or gestures, or otherwise interrupting (whether being personally present or not), the proceedings of any Military Court of Requests, shall be punishable, if amenable to Articles of War, by a Court Martial, or if not amenable to Articles of War, in the nearest of the Courts of the East India Company for the administration of Criminal Justice (whether such Court have ordinarily jurisdiction over such person in Criminal matters or not), in like manner as if the offence had been committed in regard to any proceeding of the Court to which it is so referred.

VIII. And it is hereby enacted, that a record shall be kept of proceedings in every case tried before any Military Court of Requests. And such record shall contain the substance of the evidence given and the nature of such evidence as may have been rejected on the ground of its not being legally admissible, or relevant, or on other grounds, and the same shall be signed by the Members of the said Court. And such record or a copy thereof shall, with as little delay as is practicable, after the conclusion of the proceedings, be transmitted by the European President, or Superintending Officer of every such Court to the Officer Commanding the Station or Cantonment.

IX. And it is hereby enacted, that where a demand shall exceed the amount of 200 Rupees, or where several separate demands shall exceed such amount, no more shall be recoverable from any one

defendant by the same plaintiff or plaintiffs than the sum of 200 Rupees only—and the judgment in respect of any demand in a Court of Requests shall be a bar to the recovery of the same demand or of any other or further demand for the same cause of action in any other Court whatever, provided that the liability accrued before the time of instituting the suit in the Military Court —and it shall be competent for every such Military Court to investigate any counterclaim alleged by any defendant. And it shall be competent for every such Military Court to allow the interest for money agreed on between the parties, provided the same does not exceed the usage of the country in ordinary money transactions. And every contract made after the passing of this Act upon which a demand for debt exceeding 20 Rupees is founded, not being money due for goods bought and delivered, shall be in writing and expressed in the language of the defendant and signed by him, or on his behalf by some other person than the plaintiff. Provided that it shall not be competent to any Court of Requests to admit any suit for a debt which has accrued upwards of six years, unless a direct promise to pay made within six years of the commencement of the suit be proved.

X. And it is hereby enacted, that on failure of either of the parties to a suit to attend, either personally or by representative, or to produce his witnesses according as he shall be required by any Military Court of Requests, such Court, on being satisfied that the party has been duly apprized of what is required of him, may proceed to the termination of the suit in his absence. And if the decree in any such case shall be against the plaintiff, it shall not be competent for him to commence a new suit for the same cause of action.

XI. And it is hereby enacted, that it shall be lawful for the Commanding Officer to whom the proceedings have been transmitted as aforesaid to return the same for revision either by the same or another Military Court of Requests. And in every such case the second decree shall be final, unless for error in points of law, when the same shall be transmitted to the Commander-in-Chief, who shall have power to annul the proceedings without prejudice to any future suit. Provided always that in the case of any new trial the Court may receive evidence which was not adduced at the first trial.

XII. And it is hereby enacted, that every plaintiff shall prefer his claim in writing and shall deliver the same to the Station Staff-Officer. The claims shall be entered in a Schedule by the Station Staff-Officer, which Schedule is to be sent to Adjutants of Corps or Heads of Departments two days at least before the assembly of the Court, and the Adjutants or Heads of Departments shall be responsible that the defendants belonging to their respective Corps or Establishments have been duly summoned.

XIII. And it is hereby enacted, that every decree of any Military Court of Requests shall be published in the Station Orders before the same is executed.

XIV. And it is hereby enacted, that the execution of decrees of Military Courts of Requests may be either general or special, according to the sentence of the Court. Provided always that the Commanding Officer may, notwithstanding the direction of the Court, order that the execution shall be general or special at his discretion.

XV. And it is hereby enacted, that in cases in which the execution is to be general, the debt if not paid forthwith, shall, under the authority of the Commanding Officer in writing to be signed by him, be levied by siezure and public sale of such of the Debtor's Goods (under which term are included houses or other erections within the limits of Stations and Cantonments) as may be found within the limits of the Station or Cantonment, or elsewhere ; and if sufficient Goods are not to be found, the debtor, if not a Soldier, shall be arrested and imprisoned in any Civil Gaol near to the Station or Cantonment, (for which purpose the provisions of Act No. II. of 1840 shall be applicable) or in any other convenient place of confinement situate within the limits of the Station or Cantonment, for the space of two months, unless the debt be sooner paid, and his Goods, if found within the limits of the Station or Cantonment or elsewhere at any subsequent time, shall be liable to be seized and sold in satisfaction of the debt. And if the debtor be a Soldier and the debt be not liquidated by sale of his effects, (Accoutrements and Necessaries excepted,) an order may be issued for payment of the residue by monthly deduction from the pay issued to the debtor under the Rules which follow.

XVI. And it is hereby enacted, that where the execution is to be special, the debt shall be satisfied out of the pay and allowances of the debtor and not otherwise. And a certificate of the decree, and direction or order thereon, certified under the hand of the Commanding Officer and signed by him; shall be a sufficient authority for making such stoppages. Provided always that no more than one-half of the pay and allowances of any Commissioned Officer, or than one-fourth of the pay and allowances of any non-Commissioned Officer or Soldier shall be stopped in any one month.

XVII. And it is hereby enacted, that in places beyond the Frontier of the Territories of the East India Company, actions of debt and other personal actions may be brought before such Military Courts as aforesaid against persons so amenable as aforesaid for any amount of demand: Provided that such Military Courts beyond the Frontier shall be composed of European Officers—and provided, that if the amount of claim shall exceed 200 Rupees an appeal shall lie to the Court of Sudder Adawlut of the nearest Presidency according to the rules in force with regard to appeals from subordinate Civil Courts.

XVIII. And it is hereby enacted, that this Act shall not affect the proceedings upon any suit heretofore commenced or which shall be commenced before the Tenth day of August next.

BENGAL.—REVENUE SALE LAW.

ACT No. XII. OF 1841.

[*Passed on the* 19*th July*, 1841.

1. *Repeals Section* 2, *Regulation* 14, 1793 ; *Section* 2, *Regulation* 3, 1794 ; *Regulation* 11, 1822, *except Sections* 36 *and* 38, *and Regulation* 7, 1830.

2. *No demand shall be made of interest or penalty upon arrear of Land Revenue after the* 1*st January*, 1842.

3. *Sudder Board of Revenue for each permanently settled District or Zillah, shall fix the days for sale of Mehals for arrears of Revenue, and give notice thereof in the Calcutta Gazette; and direct corresponding notice in the language of the District to be given in the Office of the Collector, &c. and in the Courts of the Judge, &c. which days shall not be changed without fresh no-*

tifications, &c. Previous to each fixed day 15 days notice to be given, and in the interval the Collector shall furnish to enquirers particulars as to estates in balance, &c.

4. *In Districts not permanently settled and in the Province of Benares, no sale shall take place, &c. without the special sanction of the Sudder Board of Revenue in each several case.*

5. *Defines an arrear to be, any portion of a kist of one month, remaining unpaid on the first of the following month.*

6. *All estates (except, &c.) in arrear at sunset of the day preceding a fixed sale day, shall on such sale day, &c. be put up to auction, &c. and no payment or tender subsequent to such sunset shall bar or interfere with the sale.*

7. *No claim to abatement of Revenue unless allowed by Government, nor any private demand by any defaulter against Government, nor money of the defaulter's in the hands of the Collector unless it stands in the defaulter's name alone and without dispute, and unless after application in due time made by the defaulter, shall bar a sale, or render a sale void or voidable.*

8. *No estates shall be sold for arrears of 5 specified descriptions, except after 15 days notification, &c. specifying the nature and amount of the arrear or demand, in the Office of the Collector, &c. in the Courts of the Judge, &c. and at the Police Thannah, and at the Cutcherry of the Malgoozar of the estate, &c. Notification to declare the latest period at which payment or tender may bar sale.*

9. *Persons not proprietors may, at any time before sunset of the day preceding the fixed sale day, deposit the amount of the arrear of Revenue: and if the party making the deposit be a suitor in some Court for the estate, he may be put in possession, under the usual rules: or if he made the deposit for the protection of an interest, he may recover the amount with interest from the proprietors of the estate.*

10. *No estate shall be liable to sale for arrears accrued while it was under Court of Wards, nor estate of minor acquired by inheritance, &c. of which Court of Wards has not taken management; nor estate under attachment by the Revenue authorities, until after the end of the year in which the arrears accrued.*

11. *Collector &c. may, for special reasons to be recorded, exempt an estate from sale.*

12. *Sales to be made at Cutcherry of Collector unless otherwise ordered by Sudder Board.*

13. *If Collector is unable from sickness, &c. to commence sale, or to complete it on fixed day, he may adjourn to the next day not being Sunday or holiday, &c.*

14. *Estates to be sold in the order in which they stand on the Towjee.*

15. *Purchaser to deposit in Cash, Bank Notes, Post Bills, or Government Securities, 25 per cent. of his purchase money, or in default estate to be put up again.*

16. *Entire purchase money to be paid in 30 days from day of sale, or in*

default, deposit to be forfeited and estate sold again, and loss on re-sale to be borne by defaulter. Re-sale to be made in forms prescribed by Section 8.

17. *After sale notice to be given, &c. to ryots and under tenants not to pay their rents to former owner.*

18. *Commissioners of Revenue may receive an appeal within* 15 *days after sale, and annul sale, and award compensation in certain cases to purchaser, but not exceeding interest on his deposit, &c.*

19. *In case of hardship or injustice, the Commissioner may suspend passing final orders and represent case to the Sudder Board, who may recommend the Local Government to annul the sale, &c.*

20. *Sales to be final, unless appealed against within* 30 *days, or appeal has been dismissed.*

21. *Collector to give purchaser Certificate of title. Form of Certificate. Transfer to be proclaimed in Cutcherry, &c. Purchase money how to be applied.*

22. *Suit to oust the certified purchaser on ground that purchase was made for another, to be dismissed with costs.*

23. *Annulment of sale to be notified by Collector, &c. purchase money to be returned to purchaser, with interest, &c.*

24. *Party certified as proprietor shall be answerable for Revenue accrued after day of sale, and in case of re-sale for Revenue after first day of sale.*

25. *Sale not to be set aside, unless contrary to the provisions of this Act, &c. Sale not to be contested by any person who has received part of the purchase money. Person aggrieved by sale, to have his action for damages.*

26. *If sale is reversed, purchase money shall be repaid by Government with interest.*

27. *Purchaser shall take the estate free from incumbrances, and may enhance the rents of under-tenures, and eject the tenants, except in* 5 *specified cases.*

28. *The purchaser shall take the estate free from incumbrances imposed subsequent to last settlement, and may annul all tenures or agreements subsequent to last settlement, &c. Proviso, against purchaser demanding higher amount of rent than was demandable by former Malgoozar, except where rent was reduced by abatements granted by special favour of such Malgoozar.*

29. *Before sale is made, Local Government may direct it to be made subject to leases, assignments or other incumbrances. Notice of such condition to be given : but such restricted sale may be cancelled, and re-sale without restrictions made, except in specified cases, if the future realization of the Revenue is endangered. Estate once sold subject to incumbrances may, at any future sale, be sold without restrictions.*

30. *Excepting copartners under Butwarrah, &c. proprietor of estate purchasing it himself, &c. shall re-acquire subject to all incumbrances. Estates sold for arrears due in respect of other estates shall be taken subject to incumbrances.*

31. *Arrears of rent due from tenants to defaulter at date of sale may be recovered by any process except distraint, &c.*

32. *Any Collector, &c. in respect to sales, may punish contempt committed in*

his presence, in open Cutcherry, &c. to extent of 200 Rupees, commutable to one month's imprisonment, &c. subject to an appeal to the Revenue Commissoner.

33. *A default to make good a bid by paying deposit shall be held a contempt.*

34. *Act to be confined to Bengal, Behar, Orissa and Benares, now subject to Regulations of Ceded and Conquered Provinces, &c. and not to extend to Calcutta or Straits Settlements.*

35. *Act to take effect from 1st January, 1842.*

An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.

I. Whereas it is deemed expedient, with a view to the benefit of the Agricultural Community, to regulate the number of periodical sales of Estates for arrears of Revenue; to discontinue the levy of interest and penalty upon such arrears; to provide for the sale at fixed and known periods of Mehals, the whole of the Land Revenue due from which may not have been discharged on or by appointed days; and otherwise to amend the laws for the realization of the Land Revenue;—

It is hereby enacted, that Sec. 2, Reg. XIV. 1793; Sec. 2, Reg. III. 1794; Reg. XI. 1822, except Sections 36 and 38, and Reg. VII. 1830 are rescinded, except in so far as they rescind other Regulations or parts of Regulations.

II. And it is hereby enacted, that there shall be no demand of interest or penalty upon any arrear of Land Revenue which shall fall due after the date specified in Section XXXV. of this Act.

III. And it is hereby enacted, that upon the promulgation of this Act the Sudder Board of Revenue at Calcutta shall determine with regard to each permanently settled District or Zillah under their jurisdiction, the fixed dates in each year on which shall be commenced the process for realizing, by sale of Mehals, the arrears of Land Revenue due thereupon. And the said Board shall give notice of the dates so fixed in the Calcutta Gazette; and shall direct corresponding publication to be made, as far as regards each District, in the language of that District, in the Office of the Collector, or other Officer duly authorized to hold sales under this Act, and in the Courts of the Judge, Magistrate, Principal Sudder Ameens, Sudder Ameens, and Sudder Moonsiffs; and the days so fixed shall not be changed until the same be changed by the said Board by advertisements and notifications in the manner above described; such advertisements and notifications to be issued on every occa-

sion after the first above provided for, at least three months before the close of the official year preceding that in which the new date or dates are to take effect. Provided always, that another notice shall also be given for a period of not less than 15 clear days previous to each fixed date of sale by advertisement to be stuck up in each of the forenamed Offices and Courts, and the Collector shall be bound to furnish during this interval to all enquirers full particulars as to what estates are in balance, and the amount due on each.

IV. And it is hereby enacted, that in Districts not permanently settled, and in the Province of Benares, no sale shall take place for arrears of Land Revenue or other demand of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale.

V. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the year, according to which the settlement and kistbundee of any Mehal have been regulated be unpaid on the first of the following month of such year, the sum so remaining unpaid shall be considered an arrear of Revenue.

VI. And it is hereby enacted, that except as hereinafter excepted, all Estates from which at sunset of the day preceding that fixed for a sale an arrear of Revenue may be due, shall on the said fixed day, or on the day or days following as hereinafter provided, be put up to public auction by and in the presence of the Collector or other Officer authorized by Government to exercise the powers of Collector in that behalf, and shall be sold to the highest bidder; and no payment or tender of payment made subsequent to sunset of the day preceding that fixed for a sale shall bar or interfere with the sale either at or after its conclusion.

VII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name

alone and without dispute, and unless after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

VIII. Provided always, and it is hereby enacted, that no estate shall be sold for the recovery of arrears or demands of the description mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, shall have been affixed, for a period of not less than fifteen clear days preceding the day of sale, in the Office of the Collector, or other Officer as aforesaid, by whom the sale is intended to be made, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of all the Principal Sudder Ameens, Sudder Ameens and Moonsiffs of the District, and at the Police Thannah of the Division in which the estate to which the notice relates, or part of it is situated, the same to be certified by the receipt of the Officer at whose Office such publication may have been made; and also at the Cutcherry of the Malgoozar of the estate, or at some conspicuous place upon the estate, the same to be certified by the peon or other person employed for the purpose. And it shall be declared in the said notification that no payment or tender of payment of the arrear or demand due, which may be made after sunset of the day preceding the fixed day of sale, will bar or interfere with the sale, either at or after the transaction.

First.—Arrears due from or to be recovered by the sale of estates not permanently settled.

Secondly.—Arrears other than those of the current or of the preceding year.

Thirdly.—Arrears due on account of estates other than that to be sold.

Fourthly.—Arrears of estates under attachment by order of the Judicial Authorities.

Fifthly.—Arrears due on account of Tuccavy, Poolbundee, or other demands, not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

IX. And it is hereby enacted, that the Collectors shall, at any time before sunset of the day preceding the fixed day of sale, receive as a deposit from any party not being a proprietor of the estate

in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate. And in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit with interest, from the proprietors of the said estate.

X. And it is hereby enacted, that no estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an estate shall have commenced to exempt such estate from sale; and in like manner it

shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced, to exempt such estate from sale, by a special order to the Collecter to that effect in each case; and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District; provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid, shall be unable, from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation struck up in his Cutcherry; and so on, from day to day, until he shall be able to commence upon, or to complete the sale, but with the exception of adjournments so made, recorded, and reported, each shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section III. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the Towjee or registers in use in the Collector's Officer of the District being put up first, and so on, in regular sequence; and it shall not

be lawful for the Collector or other Officer as aforesaid to put up any estate out of its regular order by number.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale as the Collector may think necessary, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the estate shall, forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the estate bought by him took place, reckoning that day as one of the thirty: or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of Public Revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold, and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VIII. of this Act.

XVII. And it is hereby enacted, that whenever an estate shall have been sold as aforesaid, the Collector, or other Officer as aforesaid, shall affix a proclamation in the language of the District in his Cutcherry; and as soon thereafter as may be in the Cutcherries of the Moonsiffs and of the Darogahs of Police, within whose jurisdiction or jurisdictions any part of such estate may be situa-

ted; and also at the Cutcherry of the Malgoozar of such estate; or on some conspicuous place on such estate, forbidding the ryots and under-tenants of such estate to pay rent falling due subsequent to the date therein specified and up to the date of the subsequent notice hereinafter prescribed by Section XXI. of this Act, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid within the period aforesaid.

XVIII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI., or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise: and the Commissioner shall be competent in every case of appeal so preferred, to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation, for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

XIX. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case, may annul the sale and cause the estate to be restored to the proprietor on such conditions as may appear equitable and proper.

XX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale, as the first of the said

thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided

XXI. And it is hereby enacted, that, immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of title in the following form :

I certify that A. B. has purchased at Public Auction under Act XII. of 1841, Mehal C., and that his purchase has taken effect on and since the ——— day of ——— (being the date of sale.)

(Signed) D. E., *Collector*.

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified : and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the estate or on some conspicuous place on the estate ; and shall apply the purchase money first to the liquidation of all arrears due upon the day of sale, or upon the day of the original sale, if the sale finally consummated be a re-sale ; and secondly, to the liquidation of all outstanding demands debited to the Muhal in the Public Accounts of the district, holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate sold, to be paid to their receipt on demand in the manner following ; to wit, in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept,

and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXII. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXIII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXI. of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made.

XXIV. And it is hereby enacted, that the party certified as the proprietor of an estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments of the Revenue of Government which may fall due subsequently to the day of sale: provided, however, that in the case of re-sales the purchaser shall be answerable for all instalments of Revenue which fell due subsequently to the day of the first sale.

XXV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice except upon the ground of its having been made contrary to the provisions of this Act: And except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner, under Section XVIII. of this Act, and except the action in the Civil Court be instituted within one year, from the date of the sale becoming final and conclusive, as provided in Section XX. of this Act: And no person shall be entitled to contest

the legality of a sale after having received any portion of the purchase money: Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXVI. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

XXVII. And it is hereby enacted, that the purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled districts of Bengal, Behar, Orissa and Benares, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given under Section X. Regulation V. 1812, to enhance at discretion, (anything in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:—

First. Tenures which were held as Istemraree or Mocurreree at a fixed rent, more than 12 years before the Permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable to encrease of assessment, on the grounds stated in Section LI. Regulation VIII. of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryots having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under *bonâ fide* leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty

years, under written leases, registered within a month from their date. Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease and the names of the parties shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an estate at a sale for arrears of Revenue shall be at liberty, by suit in Court, to set aside all such farms, although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVIII. And it is hereby enacted, that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVII. shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like, settled or credited by the first engager or his representatives, subsequently to the last Settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling houses or buildings, or for offices thereunto belonging or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by

the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the pergunnah, Mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXIX. And it is hereby enacted, that it shall be competent to the Local Government when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other incumbrances, with which a proprietor in possession, his ancestors, or predecessors may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that, by reason of the restriction, the future realization of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XX. of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVII. of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the *Muhal* shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVII. of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum

obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

XXX. And it is hereby enacted, that excepting copartners of estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded proprietor or copartner who may purchase in his own name or in the name of another the estate of which he is proprietor or copartner; or who by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act: and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its incumbrances existing at the time of sale and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

XXXI. And it is hereby enacted, that arrears of rent which at the date of sale may be due to the defaulter from his tenants, shall be recoverable by him after a sale by any process except distraint which might have been used by him for that purpose before the sale was made.

XXXII. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or office for the time being, by fine, to an extent not exceeding Company's Rupees 200, commutable, if not paid, to imprisonment in the civil gaol for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXIII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV. of this Act shall be held to be a contempt.

XXXIV. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa

and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces, similarly subject to the General Regulations under the Government of the Presidencies of Fort Wiliam in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta or the Settlements of Singapore, Penang or Malacca.

XXXV. And it is hereby enacted, that this Act shall have effect on and after the First day of January, 1842.

WAREHOUSING ACT.

ACT No. XIII. OF 1841.

[*Passed on the* 16*th August*, 1841.

Import Duty on Wine and Spirits to be settled on quantities registered at time of importation. Warehouse-keeper in accounting with the Customs' Department, to be allowed ullage at the rate of 10 *per cent. for one year, &c.*

An Act for explaining the Provisions of Act No. XXV. of 1836.

It is hereby declared and enacted, that the Import Duty on Wine and Spirits in Casks shall be settled on the quantities registered at the time of Importation without any deduction whatsoever: Provided always, that the Keeper of every Warehouse indicated by Act No. XXV. of 1836, shall, in accounting with the Customs' Department for the article so warehoused, be allowed ullage on such Wine and Spirits at the rate of 10 per cent. for one year according to the time for which such Wine and Spirits shall have been lodged.

BOMBAY AND COLABA.

ACT No. XIV. OF 1841.

[*Passed on the* 23*rd August*, 1841.

1. *Whoever shall sell as good meat the flesh of animals that have died, or other noxious provisions, or shall use false weights, &c. or shall be guilty of any nuisance, &c. in any Market, &c. may be fined not exceeding* 200 *Rupees.*

2. *Any Magistrate of Police may examine weights, &c. and provisions, &c. and destroy false weights and noxious provisions. Persons obstructing Magistrate of Police in this duty may be fined by Petty Sessions, not exceeding* 200 *Rupees, or imprisoned with or without hard labour for 3 months.*

An Act for the better regulation of Markets in the Islands of Bombay and Colaba.

I. It is hereby enacted, that whoever shall sell or expose for sale as good meat the flesh of animals that have died, or other noxious and unwholesome provisions of any kind, or shall use any false weights or measures for the purpose of fraud, or shall be guilty of any nuisance affecting the public health in any Market within the Islands of Bombay and Colaba, shall be liable on conviction before a Magistrate of Police to a fine not exceeding 200 Rupees.

II. And it is hereby enacted, that it shall be lawful for any Magistrate of Police from time to time to examine all weights and measures used in any Market within the said Islands, and all provisions exposed for sale therein, and to cause such weights and measures as he shall find to be false and such provisions as he shall find to be noxious and unwholesome, to be forthwith destroyed—and every person obstructing any Magistrate of Police in the premises, shall be liable on summary conviction before the Petty Sessions to a fine not exceeding 200 Rupees, or to imprisonment, with or without hard labor, for three months.

CALCUTTA.

ACT No. XV. OF 1841.

[*Passed on the* 23*rd August*, 1841.

Repeals Section 7, *of Regulation* 9, *of* 1819.

An Act for exempting residents within Calcutta from giving security in suits in the Mofussil Courts on certain occasions.

Whereas great inconvenience has been experienced by residents within Calcutta by reason of their being obliged to give security in suits in the Mofussil Courts, under Regulation IX. of 1819, Section 7. And whereas there is no occasion for requiring such security now that, by Act No. XXIII. of 1840, property

within Calcutta is liable to be seized under the process of the Mofussil Courts;—

It is hereby enacted, that Section 7, Regulation IX. of 1819, of the Bengal Code, is hereby repealed.

JUSTICES OF THE PEACE.

ACT No. XVI. OF 1841.

[Passed on the 30th August, 1841.

1. *All persons in any Commission of the Peace may act as Justices of the Peace in every respect according to the tenor of the Commission, upon taking and subscribing in any Civil or Criminal Court within, &c. the appointed Oaths.*

2. *Justice of the Peace who has had Oath of qualification administered to him by other Justice of the Peace shall be deemed qualified.*

An Act concerning the taking of Oaths of Qualification by Justices of the Peace.

I. Whereas inconvenience has arisen in consequence of pursuing the course heretofore deemed necessary for taking of Oaths by Justices of the Peace, in order that they may be duly qualified to act under Commissions of the Peace;—It is hereby enacted, that all persons who are or shall be nominated and appointed in any Commission of the Peace, shall be capable of acting as Justices of the Peace in every respect, according to the tenor of such Commission, upon taking and subscribing in any Civil or Criminal Court of Justice within the places in and for which any such Commission shall have issued before the Officer presiding in such Court, whether such Officer be a Justice of the Peace or not, the Oaths appointed to be taken by Justices of the Peace; and the subscription of such persons to the said Oaths shall be deposited and kept with the Records of the Courts of Justice in which the said Oaths shall have been administered.

II. And it is hereby enacted, that every Justice of the Peace who, before the passing of this Act, shall have had administered to him the Oaths of Qualification by any other Justice of the Peace, shall be deemed to have been duly qualified to act as a Justice of the Peace from the time of taking such Oath, and shall continue

so qualified notwithstanding such Oath may not have been taken in a Court of Justice as required by any previous Law, or by this Act.

BENGAL.—JUDICIARY.

ACT No. XVII. OF 1841.

[*Passed on the* 30*th August,* 1841.

1. *The Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, within the Territories subject to the Presidency of Fort William may transfer to Register the duty of preparing appealed causes for trial and of executing the decrees, &c. of the said Courts, and may authorize him to issue process.*

2. *Not necessary to take security for costs in proceedings before such Courts; such Courts may frame Rules of practice: rules to be submitted to Governor General in Council for approval.*

An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut in the Presidency of Fort William in Bengal.

I. It is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny and Nizamut Adawlut, within the Territories subject to the Presidency of Fort Wiliam in Bengal, by an Order, under the signature of the Register of such Court, to transfer to such Register the duty of preparing appealed causes for trial, and of executing the decrees and orders of the said Courts, and to authorize him to issue the necessary process, and to proceed thereupon agreeably to the Rules prescribed by the general Regulations of Government.

II. And it is hereby enacted, that in proceedings before the said Courts it shall not be necessary to take any security for costs; and it shall be competent for the said Courts of Sudder Dewanny and Nizamut Adawlut to frame such Rules of practice for the due exercise of the Civil and Criminal Jurisdiction vested by the Regulations in those Courts, as may from time to time be found requisite. And such Rules when so framed shall be submitted to the Governor General of India in Council; and after the same shall have been approved by the said Governor General of India in Council, they shall be of the same force as if they were inserted in this Act.

MILITARY STORES.

ACT No. XVIII. OF 1841.

[*Passed on the* 30*th August*, 1841.

1. *Arms, Ammunition, &c. not to be exported or taken from Territories of East India Company without a license, &c. Arms, &c. exported, &c. contrary to this Act to be forfeited. Offender to be liable to penalty of* 500 *Rupees.*

2. *Any person collecting in one place, or in places not exceeding* 3 *miles of one another more than* 50 *pounds of Gunpowder without licence, liable to penalty not exceeding* 500 *Rupees, and Gunpowder to be forfeited, &c.*

3. *The Governments of the Presidencies may allow the exportation of Gunpowder without licence.*

An Act for consolidating and amending the enactments concerning the exportation of Military Stores.

I. It is hereby enacted, that Arms, Ammunition and Military Stores (with the exception of Arms in the possession of individuals for private use) shall not be exported, or otherwise taken from the Territories of the East India Company, without a licence from a public Officer or Officers for each Presidency, to be indicated by the Governments of the respective Presidencies, for the purpose of granting such licences, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such Officer or Officers in regard to such exports by the aforesaid Governments respectively. And any Arms, Ammunition or Military Stores which any person shall export, or attempt to export, or take as aforesaid, contrary to this Act, shall thereby become forfeited, on the award of the Officer or Officers authorized as aforesaid to grant licences, or the Collector of Customs, and every person offending in the premises contrary to this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees.

II. And it is hereby enacted, that any person who shall collect or keep in one place, or within places not exceeding three miles in distance from each other, any quantity of Gunpowder exceeding fifty pounds, without a licence from such Officer as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees, and such Gunpowder shall become forfeited on the award of the Officer or Officers authorized to grant licences as aforesaid, or the Collector of Customs.

III. And it is hereby enacted, that it shall be lawful for any of the Governments aforesaid, to allow, at any Port or Ports, the exportation of Arms, Ammunition and Military Stores as aforesaid, without any such licence as aforesaid, as they shall deem expedient.

CURATORS.

ACT No. XIX. OF 1841.

[*Passed on the 6th September,* 1841.

1. *When a person dies leaving property, the person claiming a right to it by succession, may apply to a Judge &c. for relief or assistance, to obtain possession.*

2. *Any agent &c. or next friend, or the Court of Wards, in the case of an infant, &c. may make like application.*

3. *The Judge to whom such application is made shall enquire &c. whether there is strong ground to believe that the party in possession has no lawful title, and whether applicant is likely to be prejudiced if left to his ordinary remedy.*

4. *If Judge is satisfied that there is such strong ground of belief, he shall cite the party complained of, &c. and deliver possession &c. Judge may appoint officer to take inventory, &c.*

5. *In case of danger of misappropriation of property before suit can be determined, Curators may be appointed &c.*

6. *Judge may authorize Curator to take possession of property generally or until security be given, &c.*

7. *Curator to give security: his remuneration not to exceed 5 per centum on personal property and annual rent of real property. Surplus to be paid into Court, and invested in Public Securities.*

8. *If the estate of the deceased consists of land paying revenue, the Judge shall demand a report from Collector, as to propriety of citing the party in possession &c. but he shall not be obliged to conform to report of Collector, &c.*

9. *Curator to be subject to orders of Judge regarding the institution, &c. of suits. Suits to be instituted, &c. in name of Curator.*

10. *Pending custody by Curator, Judge may order allowances to parties having prima facie right.*

11. *Curator to file monthly accounts in abstract, and every 3 months detailed accounts.*

12. *Accounts of Curator to be open to inspection of parties interested. Party interested may appoint person to keep a Duplicate of Curator's accounts.*

13. *After appointment of Curator, no second shall be appointed in respect of same property. Where several Curators are appointed in respect of several*

parts of an estate, the Sudder Dewanny Adawlut may make order for appointment of one Curator for the whole.

14. *The provisions of this Act not to be put in force, unless application be made within 6 months after decease.*

15. *This Act not to be applied in contravention of any public act of settlement; nor where deceased proprietor has left directions respecting the possession of his property.*

16. *Possession of Court of Wards not to be disturbed under this Act. In case of minors and other disqualified persons, the Court of Wards to be invested with Curatorship of estate pending suit &c.*

17. *Nothing in this Act or done under it, shall prevent the institution of a regular suit.*

18. *The decision in summary suits under this Act shall have no other effect than that of settling the actual possession; for which purpose it shall be final.*

19. *The Governments of the different Presidencies may appoint public Curators for any district. The Judge shall nominate such public Curator where the choice is left with him.*

20. *If person dies leaving property within local limits of Supreme Court, and such Court shall be satisfied that danger of misappropriation &c. of property is to be apprehended, the Court may authorize the Ecclesiastical Registrar, or one or more Curators to collect the effects &c. and to hold or deposit the same, &c.*

An Act for the protection of moveable and immoveable property against wrongful possession in cases of successions.

I. Whereas much inconvenience has been experienced, where persons have died possessed of moveable and immoveable property and the same has been taken upon pretended claims of right by gift or succession; the difficulty of ascertaining the precise nature of the moveable property in such cases, the opportunities for misappropriating such property and also the profits of real property, the delays of a regular suit when vexatiously protracted, and the inability of heirs when out of possession to prosecute their rights, affording strong temptations for the employment of force or fraud in order to obtain possession And whereas, from the above causes, the circumstance of actual possession, when taken upon a succession, does not afford an indication of rightful title equal to that of a decision by a Judge after hearing all parties in a summary suit, though such summary suit may not be sufficient to prevent a party removed from possession thereby from instituting a regular suit. And whereas such summary suit, though it will take away many of the temptations which exist for assuming wrongful possession upon a succession

will be too tardy a remedy for obviating them all, especially as regards moveable property. And whereas it may be expedient, prior to the determination of the summary suit, to appoint a Curator to take charge of property upon a succession, where there is reason to apprehend danger of misappropriation, waste or neglect, and where such appointment will, in the opinion of the authority making the same, be beneficial under all the circumstances of the case. And whereas it will be very inconvenient to interfere with successions to estates by the appointment of Curators, or by summary suits, unless satisfactory grounds for such proceedings shall appear, and unless such proceedings shall be required by or on the behalf of parties giving satisfactory proof that they are likely to be materially prejudiced if left to the ordinary remedy of a regular suit:—

It is hereby enacted, that whenever a person dies leaving property, moveable or immoveable, it shall be lawful for any person claiming a right by succession thereto, or to any portion thereof, to make application to the Judge of the Court of the District where any part of the property is found or situate for relief, either after actual possession has been taken by another person, or when forcible means of seizing possession are apprehended.

II. And it is hereby enacted, that it shall be lawful for any agent, relative, or near friend, or for the Court of Wards in cases within their cognizance, in the event of any minor, disqualified, or absent person being entitled by succession to such property as aforesaid, to make the like application for relief.

III. And it is hereby enacted, that the Judge to whom such application shall be made shall, in the first place enquire by the solemn declaration of the complainant, and by witnesses and documents at his discretion, whether there be strong reasons for believing that the party in possession or taking forcible means for seizing possession has no lawful title, and that the applicant, or the person on whose behalf he applies is really entitled and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made *bonâ fide*.

IV. And it is hereby enacted, that in case the Judge shall be satisfied of the existence of such strong ground of belief but not otherwise, he shall cite the party complained of, and give notice of vacant or disturbed possession by publication, and after the ex-

piration of a reasonable time shall determine summarily the right to possession (subject to regular suit as hereinafter mentioned) and shall deliver possession accordingly; provided always that the Judge shall have the power to appoint an officer who shall take an inventory of effects, and seal or otherwise secure the same, upon being applied to for the purpose, without delay, whether he shall have concluded the enquiry necessary for citing the party complained of or not.

V. And it is hereby enacted, that in case it shall further appear upon such application and examination as aforesaid that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession, or the insufficiency thereof is likely to expose the party out of possession to considerable risk, provided he be the lawful owner; it shall be lawful for the Judge to appoint one or more Curators with the powers hereinafter next mentioned, whose authority shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit and the confirmation or delivery of possession in consequence thereof. Provided always that, in the case of land, the Judge may delegate to the Collector or to his officer the powers of a Curator, and also that every appointment of a Curator in respect of any property be duly published.

VI. And it is hereby enacted, that the Judge shall have power to authorize such Curator, either to take possession of the property generally, or until security be given by the party in possession, or until inventories of the property shall have been made, or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession. Provided always, that it shall be entirely discretionary with the Judge, whether he shall allow the party in possession to continue in such possession on giving security, or not, and any continuance in possession shall be subject to such orders as the Judge may issue touching inventories, or the securing of deeds or other effects.

VII. And it is hereby enacted, that the Judge shall exact from the Curator security for the faithful discharge of his trust, and for rendering satisfactory accounts of the same as hereinafter mention-

ed, and may authorize him to receive out of the property such remuneration as shall appear reasonable, but in no case exceeding 5 per centum on the personal property and on the annual profits of the real property. All surplus monies realized by the Curator shall be paid into Court, and invested in public Securities for the benefit of the persons entitled thereto upon adjudication of the summary suit. Provided always, that although security shall be required from the Curator with all reasonable despatch, and, where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed Curator, yet no delay in the taking of security shall prevent the Judge from immediately investing the Curator with the powers of his office.

VIII. And it is hereby enacted, that, where the estate of the deceased person shall consist wholly or in part of land paying revenue to Government, in all matters regarding the propriety of citing the party in possession, of appointing a Curator, and of nominating individuals to that appointment, the Judge shall demand a report from the Collector, and the Collector is hereby required to furnish the same. In cases of urgency the Judge may proceed, in the first instance, without such report, and he shall not be obliged to act in conformity thereto, but, in case of his acting otherwise than according to such report, he shall immediately forward a statement of his reasons to the Court of Sudder Dewanny Adawlut, and the Court of Sudder Dewanny Adawlut, if they shall be dissatisfied with such reasons, shall direct the Judge to proceed conformably to the report of the Collector.

IX. And it is hereby enacted, that the Curator shall be subject to all orders of the Judge regarding the institution or the defence of suits, and that all suits may be instituted or defended in the name of the Curator on behalf of the estate. Provided that an express authority shall be requisite in the sunnud of the Curator's appointment for the collection of debts or rents; but such express authority shall enable the Curator to give a full acquittance for any sums of money received by virtue thereof.

X. And it is hereby enacted, that, pending the custody of the property by the Curator, it shall be lawful for the Judge to make such allowances to parties having a *primâ facie* right thereto as upon a summary investigation of the rights and circumstances of

the parties interested, he shall consider that necessity may require, taking, at his discretion, security for the repayment thereof with interest, in case the party shall, upon the adjudication of the summary suit, appear not to be entitled thereto.

XI. And it is hereby enacted, that the Curator shall file monthly accounts in abstract, and at the period of every three months, if his administration last so long, and upon giving up the possession of the property, file a detailed account of his administration to the satisfaction of the Judge.

XII. And it is hereby enacted, that the accounts of any such Curator as is above described shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by such Curator. And if it be found that the accounts of any such Curator are in arrear, or if they shall be erroneous or incomplete, or if the Curator shall not produce them whenever he shall be ordered to do so by the Judge, he shall be liable to a fine not exceeding 1,000 Rupees for every such default.

XIII. And it is hereby enacted, that after the Judge of any district shall have appointed any Curator, such appointment shall preclude the Judge of any other district within the same Presidency from appointing any other Curator, provided the first appointment be in respect of the whole of the property of the deceased. But if the appointment be only in respect of a portion of the property of the deceased, this shall not preclude the appointment within the same Presidency of another Curator in respect of the residue or any portion thereof; provided always, that no Judge shall appoint a Curator or entertain a summary suit in respect of property which is the subject of a summary suit previously instituted under this Act before another Judge; and provided further, that if two or more Curators be appointed by different Judges for several parts of an estate, it shall be lawful for the Sudder Dewanny Adawlut to make such order as it shall think fit for the appointment of one Curator of the whole property.

XIV. And it is hereby provided, that this Act shall not be put in force, unless the aforesaid application to the Judge be made

within six months of the decease of the proprietor, whose property is claimed by right in succession.

XV. And it is hereby enacted, that this Act shall not be put in force to contravene any public act of Settlement. Neither in cases in which the deceased proprietor shall have given legal directions for the possession of his property after his decease, in the event of minority or otherwise, in opposition to such directions, but, in every such case, so soon as the Judge having jurisdiction over the property of a deceased person, shall be satisfied of the existence of such directions, he shall give effect thereto.

XVI. And it is hereby provided, that this Act shall not be put in force, for the purpose of disturbing the possession of the Court of Wards of any Presidency; and in case a minor, or other disqualified person, whose property shall be subject to the Court of Wards, shall be the party on whose behalf application is made under this Act, the Judge, if he determines to cite the party in possession, and also appoint a Curator, shall invest the Court of Wards with the Curatorship of the estate pending the suit, without taking such security as aforesaid, and in case the minor or other disqualified person shall, upon the adjudication of the summary suit appear to be entitled to the property, possession shall be delivered to the Court of Wards.

XVII. And it is hereby provided, that nothing in this Act contained shall be any impediment to the bringing of a regular suit either by the party whose application may have been rejected, before or after citing the party in possession, or by the party who may have been evicted from the possession under this Act.

XVIII. And it is hereby enacted, that the decision of the Judge upon the summary suit under this Act shall have no other effect than that of settling the actual possession; but that for this purpose it shall be final, not subject to any appeal or order for review.

XIX. And it is hereby enacted, that it shall be lawful for the Governments of the respective Presidencies to appoint public Curators for any district or number of districts. And the Judge having jurisdiction shall nominate such public Curator or Curators in all cases where the choice of a Curator is left discretionary with him under preceding provisions of this Act.

XX. And it is hereby enacted, that whenever a person dies leaving moveable or immoveable property within the local limits of the jurisdiction of any of Her Majesty's Supreme Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation and waste of the property before it can be ascertained who may be legally entitled to the succession to such property, it shall be lawful for the said Court to authorize and enjoin the Ecclesiastical Registrar, or one or more Curators to collect such effects, and hold or deposit or invest the same in such manner and place and upon such security and subject to such orders and directions as the Court may deem expedient.

COLLECTION OF DEBTS.

ACT No. XX. OF 1841.

[*Passed on the 6th September,* 1841.

1. *No debtor of any deceased person shall be compelled to pay, except on production of Certificate, &c. or Probate &c. unless Court shall be of opinion that payment is withheld fraudulently, &c.*

2. *The Zillah or District Court within whose jurisdiction property of deceased is found, may grant Certificate under this Act upon petition setting forth title of claimant, &c. Judge to issue notice and fix a day for hearing, &c.*

3. *The Certificate of Judge shall be conclusive of the representative title against all debtors of deceased and shall be a sufficient warrant for them to pay their debts.*

4. *Judge may take security from person to whom he grants Certificate for rendering an account and for indemnity of persons entitled.*

5. *The grant of Certificate may be suspended by Appeal to Sudder Dewanny Adawlut, which Court may direct to whom Certificate shall be granted, &c. and may supersede Certificate already granted, and grant fresh Certificate.*

6. *Certificate to give authority throughout the Presidency.*

7. *Person having Certificate may be authorized by the terms of the Certificate to receive interest on Government Notes.*

8. *Payments bona fide made to the holder of Certificate which is invalid by reason of a prior Certificate, shall be good against claimant under the elder Certificate.*

9. *and* 10. *Certificate in respect of property of Hindoos, Mahometans and others not usually called British subjects, not valid if made after Probate or Letters of Administration, &c. But payments made to holder of Certificate in ignorance of previous Probate, &c. to be good against person claiming under Probate.*

11. *and* 12. *No Probate, &c. valid after grant of Certificate, &c. But pay-*

ments bona fide made to holder of Probate to be valid against holder of Certificate.

13. *Curators appointed under Act 19, 1841, not to exercise any powers which but for that Act would belong to holders of Certificate under this. But payments to Curators shall be good, and Curators be responsible to holder of Certificate.*

14. *All Probates &c. granted by H. M's. Courts, in cases in which assets were within the local jurisdiction of such Courts shall have the effect of Probate, &c. granted in respect of British subjects, for the purpose of recovering debts only, &c. except as in this Act provided.*

15. *This Act not to extend to persons usually designated as British subjects.*

An Act for facilitating the collection of Debts on successions, and for the security of parties paying debts to the Representatives of deceased persons.

I. Whereas it is expedient to provide greater security for persons paying to the Representatives of deceased Hindoos, Mahomedans, and others not usually designated as British Subjects, debts which are payable in respect of the Estates of such deceased persons, and to facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same :—

It is hereby enacted, that no debtor of any deceased person shall be compelled in any Court of Law to pay his debt to any person claiming to be entitled to the effects of any deceased person or any part thereof, except on the production of a certificate to be obtained in manner hereinafter mentioned, or of a Probate or Letters of Administration, unless the Court shall be of opinion that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.

II. And it is hereby enacted, that the Zillah or District Court within the jurisdiction of which any part of the property of the deceased may be found shall have authority to grant a certificate under this Act. The applicant in his petition shall set forth his title. The Judge shall issue notice of application, inviting claimants, and fixing a day for hearing the petition, and upon the appointed day, or as soon after as may be convenient, shall determine the right to the certificate, and grant the same accordingly.

III. And it is hereby enacted, that the certificate of the District or Zillah Judge shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favor the certificate has been granted.

IV. And it is hereby enacted, that the District or Zillah Judge may take such security as he shall think necessary from any person to whom he shall grant a certificate for rendering an account of debts received by him, and for indemnity of persons who may be entitled to the whole or any part of the monies received by virtue of such certificate, whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.

V. And it is hereby enacted, that the granting of such certificate may be suspended by an appeal to the Court of Sudder Dewanny Adawlut, which Court may declare the party to whom the certificate should be granted, or may direct such further proceedings for the investigation of the title as it shall think fit. The Court may also, upon petition, after a certificate shall have been granted by the District or Zillah Judge, grant a fresh certificate in supersession of the certificate granted by the District or Zillah Judge, and such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted without notice that the same has been superseded, but shall entitle the person named therein to receive all monies that may have been recovered under the first certificate from the person to whom the same may have been granted.

VI. And it is hereby enacted, that every certificate shall give authority to the person to whom the same is granted throughout the Presidency within which the same is granted, and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.

VII. And it is hereby enacted, that a person certified as aforesaid, may be empowered to receive interest on Government Notes and Dividends, or on Shares of any Bank or parts thereof, and to negotiate such Securities. He may be also empowered to receive a share of such interest of dividends or to negotiate a share of such Securities. But these powers shall only arise by express words in the certificate

VIII. And it is hereby enacted, that where a certificate shall have been granted, in cases in which such certificate would be valid, but for the previous grant of a certificate, all payments made to

the person holding the later certificate in ignorance of the grant of the previous certificate shall be held good against claims under such previous certificate.

IX. And it is hereby enacted, with regard to the property of deceased Hindoos, Mahomedans and other persons not usually designated by the term British Subjects, that no certificate in respect of any such property shall be valid, if made after a Probate or Letters of Administration granted in respect of the same, provided assets belonging to the deceased were at the time of his death within the local jurisdiction of the Court granting the Probate or Letters of Administration.

X. And it is hereby provided, that where a certificate shall have been granted, in cases in which such certificate would be valid, but for a Probate or Letters of Administration previously granted, all payments made to the person holding the certificate in ignorance of the previous granting of the Probate or Letters of Administration shall be held good against claims under the Probate or Letters of Administration so previously granted.

XI. And it is hereby enacted, that no Probate or Letters of Administration shall be valid for the purpose of the recovery of debts or for the security of debtors, after a certificate granted in respect of the same property for which such Probate or Letters of Administration shall have been granted, provided assets belonging to the deceased were at the time of his death within the jurisdiction of the Court granting such certificate.

XII. And it is hereby provided, that where Probate or Letters of Administration may have been granted, in cases in which such Probate or Letters of Administration would be valid, but for the previous grant of a certificate, all payments made in ignorance of the previous grant of the certificate shall be held good against claims under such previous certificate.

XIII. And whereas, under Act No. XIX. of 1841, Curators may be invested with certain powers which are conferred on persons obtaining certificates under this Act, and which belong to Executors and Administrators, it is hereby enacted that Curators appointed under the said Act shall not exercise any powers which, but for that Act, would lawfully belong to such persons obtaining certificates, Exe-

cutors or Administrators, where a Certificate, Probate or Letters of Administration has been actually obtained; but all persons who may have paid debts or rents to a Curator authorized by a Judge to receive the same shall be indemnified, and the Curator shall be responsible for the payment of the same to the person who has obtained a certificate, the Executor, or Admistiator, as the case may be.

XIV. And it is hereby declared and enacted, that all Probates and Letters of Administration granted by any of Her Majesty's Courts in cases in which any assets belonging to deceased persons were, at the time of their deaths, within the local jurisdiction of the Court granting the Probate or Letters of Administration, shall have the effect of Probate and Letters of Administration, granted in respect of the property of British Subjects but for the purpose of the recovery of debts only, and the security of debtors paying the same; except so far as is in this Act provided.

XV. And it is hereby provided, that nothing in this Act contained shall be held to extend to the property of any person usually designated as a British Subject.

LOCAL NUISANCES.

ACT No. XXI. OF 1841.

[*Passed on the 6th September*, 1841.

1. *Any Magistrate may cause unlawful obstructions and nuisances to be removed from thoroughfares, &c. and suppress, &c. trades, &c. injurious to the health of the community, and prevent the construction of buildings, &c. in a manner likely to occasion conflagration, &c.*

2. *In acting under authority of above Section, the Magistrate, after enquiry, &c. shall issue injunction, to be served personally, or, in specified case to be notified by proclamation, &c. Magistrate may enforce injunction, and fine for disobedience not exceeding* 200 *rupees, or imprison without hard labor not exceeding* 1 *month. Magistrate may remove noxious or dangerous article, &c. and sell the same, to defray expence &c. Magistrate may compel the owner of tanks, &c. to fence tanks, &c.*

3. *Person affected by an injunction may, within* 10 *days, petition to have a Jury or Punchayet to try and decide the question. Magistrate shall thereupon order the appointment of a Jury or Punchayet of not less than* 5 *persons, the*

President and two members thereof to be nominated by the Magistrate, and the other two by the party petitioning. Injunction to be suspended pending enquiry, &c.

4. *Proceedings of Magistrate under this Act to be subject to Appeal.*
5. *Act not to apply within local limits of Her Majesty's Courts.*

An Act for the better prevention of Local Nuisances.

I. It is hereby enacted, that it shall be lawful for any Magistrate, when the public benefit and comfort are in question, to cause unlawful obstructions and nuisances to be removed from thoroughfares and public places, and to suppress or cause to be removed to a different place, trades or occupations injurious to the health or comfort of the community, and to prevent such construction of buildings and such disposal of combustible substances as may appear to him likely to occasion conflagration, and to cause the removal of buildings in such state of weakness, as, by the probability of their falling, may appear to him to expose individuals to danger.

II. And it is hereby enacted, that, in exercising the authority conferred by the above Section, the Magistrate shall, after holding such enquiry as may satisfy him of the necessity of proceeding under this Act, issue an injunction, which, if practicable, shall be served personally on the parties concerned; but if such service shall be impracticable or very inconvenient, the injunction shall be notified by oral proclamation, and a written notice thereof shall be set up at such place or places as may be best adapted for conveying information to the parties concerned. And in case such injunction be not obeyed, the Magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding 200 Rupees, or by imprisonment without labor for any period not exceeding one month, and if the Magistrate finds it necessary to incur expense in removing noxious or dangerous articles or buildings, it shall be lawful for him to sell the same or their materials by public auction in order to defray the charge, delivering any surplus that may remain to the owner. And it shall be lawful for the Magistrate to compel, under the like penalty, the owners of tanks or wells adjacent to any public thoroughfare to fence the same in in such manner as to prevent danger to the public arising therefrom.

III. And it is hereby provided and declared, that it shall be

lawful for any person affected by such injunction or written notice as is above described, if he shall object thereto, to claim, by written petition, to be presented to the Magistrate within the period of ten days if reasonably practicable, if not, within the shortest reasonable further time from the receipt of such injunction or the publication of such notice, that a Jury or Punchayet may be appointed to try and decide the question; and the Magistrate shall, on receiving such petition, pass order thereupon for the appointment of a Jury or Punchayet, which shall consist of not less than five persons, whereof the President and one-half of the other Members shall be nominated by the Magistrate from the residents in the vicinity, and the remaining Members shall be nominated by the party petitioning. And the Magistrate shall suspend the further execution of the injunction or order pending such enquiry, and be guided by the decision of the said Jury which shall be according to the opinion of the majority. Provided however that if the petitioner shall by neglect or in any other way prevent the appointment of such Jury or Punchayet, or if, from any cause, the Jury so appointed shall not decide and report within a reasonable time to be fixed in the order for their appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate, and if, from any of the above causes, no decision be made by a Jury or Punchayet, the Magistrate's order shall take effect as if not opposed.

IV. And it is hereby provided, that all the proceedings of Magistrates under the authority of this Act shall be subject to the like appeal as other orders of Magistrates according to the Regulations of the respective Presidencies.

V. And it is hereby enacted, that this Act shall not be applicable within the local limits of Her Majesty's Courts of Justice.

TOWN OF MADRAS.

ACT No. XXII. OF 1841.

[*Passed on the* 11*th October*, 1841.

4. *The assessments under Statute 33 George 3, Chap. 52, to be applied to lighting and watering the roads and streets and cleansing and repairing the same and the drains.*

2. *Sufficient rates to be made, but not exceeding 5 per cent on rateable value without the sanction of the Governor in Council.*

3. *The Justices at their Quarter Sessions shall publish accounts of expenditure and collections during the preceding quarter.*

4. *Upon application of two-thirds in number and value the Governor in Council may authorize the rate-payers of any division to undertake the assessment, &c. of the rates, on a scheme to be approved by the Governor in Council. Amount to be levied in each division not limited to amount expended therein.*

5. *The Governor in Council may appoint assessor, &c. and prescribe rules and take security for the due execution of this Act, &c.*

6. *Names of owners, &c. not necessary to be specified in assessment or warrant, &c. Sufficient if property rated be identified, &c.*

7. *Goods, &c. of owner of rated property may be seized any where except, &c. for rates. All property on rated premises seizable. Tenant may deduct from his rent the amount levied for rate.*

8. *If property liable to distress is suspected to be concealed in zenana, the Officer charged with execution of warrant, to follow rules adopted in like case by Her Majesty's Supreme Court.*

9. *One Justice of the Peace for Madras may issue distress-warrant under Statute 33 Geo. 3, Chap. 52.*

For amending the Law with respect to rates for Municipal purposes within the Town of Madras.

I. Whereas it is expedient to specify the particular purposes to which rates assessed on houses, buildings and grounds in Madras shall be applied; and to abolish the practice which has hitherto prevailed, of levying five per cent. on the annual value of all houses, buildings and grounds, without reference to the amount necessary for accomplishing the purposes of the rates; such per centage being inadequate for the purposes to which the rates have hitherto been deemed applicable. And whereas it is expedient to make the per centage leviable by quarterly or other convenient rates on the annual value of property, to depend entirely on the expenditure necessary for accomplishing, in an efficient manner, the purposes to

which the rates shall henceforth be applicable, and providing for all incidental expences and casual deficiencies or defaults. And whereas it is expedient to subject the collection and administration of the funds raised for Municipal purposes in the various districts of the Town to the management of the rate-payers themselves within such districts respectively, whenever they are desirous of undertaking the same, and are willing to enter into proper arrangements for the purpose. And whereas it is expedient to modify the provisions of the Statute 33 Geo. 3, Cap. 52, in regard to assessments for the Town of Madras in order for the better collection of the same, reserving all the authority of such Statute in matters not inconsistent with this Act;

It is hereby enacted, that the assessments which by the Statute 33 Geo. 3, Cap. 52, are authorized to be made for the Town of Madras, shall be applicable to the following purposes only, viz. lighting and watering the roads and streets, and cleansing and repairing the same and the drains of the said Town.

II. And it is hereby enacted, that the assessment and rates made under the authority of the said Statute shall be sufficient for accomplishing, in an efficient manner, the purposes mentioned in the last Section, for discharging all incidental expences, and for making up deficiencies and defaults of every kind whatsoever. Provided always, that no rate shall be made exceeding the amount of five per cent. on the assessed value of property without the sanction of the Governor in Council of Fort Saint George in Madras.

III. And it is hereby enacted, for the encouragement of the control and supervision of the assessment and collection of the rates and the management thereof within particular divisons, being undertaken by the rate-payers themselves, the Justices at their Quarter Sessions shall publish quarterly or as required by the Local Government the particulars of all sums laid out, and of all the expences of collection and deficiencies during the preceding quarter within three or more divisions of the Town, to be indicated by the Governor in Council of Fort Saint George in Madras before this Act shall be allowed to come into operation, or such other divisions as the Governor in Council of Fort Saint George in Madras may, from time to time, direct, so long as the assessment, collec-

tion or management of the rates for such divisions shall remain under the jurisdiction of the Justices.

IV. And it is hereby enacted, whenever two-thirds in number and value of the rate-payers of any of such respective divisions shall apply to the Governor in Council of Fort St. George in Madras, to undertake themselves the assessment, collection and management of the rates of such division, or any or either of these trusts, it shall be lawful for the Governor of Fort St. George in Madras to authorize the same accordingly, at his discretion; provided always that such majority of rate-payers shall present a scheme which shall obtain his full approbation for the safe and efficient execution of the trusts, the transfer of which from the present authorities is sought for. Provided always, that in any such arrangement, the amount to be levied in any particular division shall not be considered as necessarily limited by the amount expended within such division, but shall be adjusted by the Governor in Council of Fort St. George in Madras, upon reference to all local circumstances.

V. And it is hereby enacted, that for the better assessment and collection of rates under this Act, it shall be lawful for the Governor in Council of Fort St. George in Madras, to appoint such Assessor or Assessors, Collector or Collectors, and to make such union of the offices of Assessor and Collector, and to prescribe such rules and take such securities for the due execution of this Act by the person or persons employed in assessments and collections and in the management of the rates collected as he shall deem expedient.

VI. And it is hereby enacted, that it shall not be necessary in any assessment, rate or warrant of distress under this Act to specify the names of the owners or occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified, and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

VII. And it is hereby enacted, that the Goods and Chattels of the owner of any property rated shall be seizable anywhere (except where property is concealed as hereinafter mentioned) for de-

ficiency in the payment of rates. And all property which shall be found upon any premises rated, shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure. And in the case of the seizure of the property of a tenant under such circumstances, he may deduct the amount of the levy from the next payment of his rent.

VIII. And it is hereby enacted, that where there is ground to suspect that property liable to distress under this Act is concealed in any zenana, the Officer charged with the execution of the warrant shall make a special report to the Justice granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of property in like cases adopted by Her Majesty's Supreme Court of the Presidency.

IX. And it is hereby enacted, that it shall be lawful for any one Justice of the Peace for the Town of Madras to issue a Warrant of Distress for the recovery of the arrears of Assessment under this Act, or under the Statute 33 Geo. 3, Chap. 52, and every such Warrant shall have the same force and effect as if it where under the hands and seals of two such Justices.

MADRAS.—IMPORTS, RUM

ACT No. XXIII. OF 1841.

[*Passed on the* 11*th October*, 1841.

1. *If any person lands, &c. in territory subject to the Presidency of Madras any Rum or Rum Shrub the produce of any foreign country, or of British possession into which foreign Sugar or Rum, can be legally imported, such Rum, &c. shall be seized, &c. and brought to confiscation, &c., unless the District in which the same, &c. is imported be one into which such importation is authorized by the Governor in Council.*

2 *Owner of Rum, &c. the produce of the said territories, desirous to obtain Certificate of origin, shall make a declaration in Form A. appended to which shall be a Certificate of its truth from the Officer attached to the Distillery where it was made.*

3. *If the District be one into which the Governor in Council has not authorized the importation of foreign Sugar, &c. or of Sugar the growth, &c. of British possession into which foreign Sugar, &c. can be legally imported, the Officer before whom declaration is made shall grant Certificate in Form B.*

4. and 5. Person intending to ship Rum, &c. for the United Kingdom, may produce to the Collector of Customs, &c. a Certificate as above, and make declaration in Form C. and such Officer, unless he deems such declaration untrue shall grant Certificate in Form D.

6. Owner of Rum, &c. not entitled to Certificate under this Act, unless the Rum, &c. is the produce of a distillery worked in the European method, &c.

7. The Rum, &c. manufactured for exportation to the United Kingdom shall be manufactured pure, without admixture of spirits made from Rice, &c. or other substance not the produce of the Sugar-Cane, &c. and shall be so declared.

8. If Rum, &c. brought to Customs for exportation shall be found to be adulterated, &c. the same with the casks, &c. shall be seized, &c. and the parties may be proceeded against for false and fraudulent declaration.

9. Any person knowingly affirming an untruth in any declaration, shall be punished as for perjury, and person procuring untrue affirmation, shall be punished as for subornation of perjury.

10. Nothing in this Act to prevent the necessity of a licence under Regulation 1, 1820, for person intending to manufacture Rum, &c.

Schedules A. B. C. D.

An Act for prohibiting the importation of Rum and Rum Shrub into the Presidency of Fort St. George in Madras.

I. It is hereby enacted, that if any person after the passing of this Act, lands or attempts to land, or shall introduce by land in any part of the Territories subject to the Government of the Presidency of Fort St. George in Madras, any Rum or Rum Shrub, which is the produce of any Foreign country, or of any British possession into which Foreign Sugar or Rum can be legally imported, such Rum or Rum Shrub shall be seized by the Collector of the Customs, or by any other Officer authorized to seize and detain Contraband Goods, and shall be brought to confiscation according to the Rules in force for confiscating such Goods, unless the District in which such Rum or Rum Shrub is landed, or in which an attempt has been made to land such Rum or Rum Shrub, be a District in which the Governor in Council has authorized the importation of such Rum or Rum Shrub, and it shall be lawful for the Governor in Council to authorize the importation of such Rum and Rum Shrub into any District of the Territories aforesaid by an Order in the Official Gazette.

II. And it is hereby enacted, that if any Owner of Rum or Rum Shrub, the produce of the said Territories, or the duly authorized Agent of such Owner, be desirous to obtain a Certificate of

Origin from the Collector or Assistant Collector of the Land or Customs Revenue of any District within the said Territories, or from any other Officer appointed by the Governor in Council to give such Certificates, such Owner or Agent shall, in the presence of the Officer from whom he desires to obtain such Certificate, make and subscribe a Declaration in the Form contained in the Schedule hereunto annexed marked A. and to the said Declaration shall be appended a Certificate to its verity from any Government Officer who may be attached to the Distillery where such Rum or Rum Shrub is declared to have been manufactured, in the form prescribed in the said Schedule A.

III. And it is hereby enacted, that if the District be one into which the Governor in Council has not, by any Order, authorized the importation of Foreign Sugar or Rum, or of Sugar or Rum the growth or produce of any British Possession into which Foreign Sugar or Rum can be legally imported, then the Officer before whom such a Declaration as is aforesaid shall have been made, shall grant under his hand and seal to the Declarant a Certificate in the form contained in the Schedule hereunto annexed, marked B.

IV. And it is hereby enacted, that every person who intends to ship Rum or Rum Shrub from any place within the said Territories for any part of the United Kingdom, shall be entitled to produce, to the Collector of Customs at that place, or to any other Officer who may have been appointed by the Governments of the respective Presidencies to act on that behalf in place of the Collector of Customs, a Certificate, such as is above described, and also in the presence of the Officer to whom he has so produced such Certificate to make and subscribe a Declaration in the form contained in the Schedule hereunto annexed marked C.

V. And it is hereby enacted, that the Officer to whom such a Certificate shall have been so produced, and before whom a Declaration in the last mentioned form shall have been so made and subscribed, shall, unless he see cause to deem such Declaration fraudulent and untrue, grant to the person who has made the last mentioned Declaration a Certificate in the form contained in the Schedule hereunto annexed marked D.

VI. And it is hereby enacted, that the Owner of Rum or Rum Shrub intended for exportation under this Act, or the duly autho-

rized Agent of such Owner, shall not be entitled to any of the Certificates described in this Act unless such Rum or Rum Shrub shall be the produce of a Distillery worked according to law in the European method under Licence from the Board or other authority vested with the management of the Revenue derived from the Abkarry or Tax on Spirits.

VII. And it is hereby enacted, that the Rum and Rum Shrub manufactured for exportation to the United Kingdom under this Act at any Licensed Distillery shall be manufactured pure, without admixture of Spirits made from Rice, Grains, or any other substance or substances not being the produce of the Sugar Cane or of the Date or Palm-tree, and shall be so declared and verified at the time of application for a Certificate of Origin according to the form of Schedule A.

VIII. And it is hereby enacted, that if any Rum or Rum Shrub that may be brought to any Custom House for exportation under this Act shall be found to be adulterated or mixed contrary to the above prohibition, the same, with the casks or materials in which it is contained, shall be seized and confiscated, and the party or parties upon whose Declaration Certificate of manufacture free from adulteration or mixture may have been granted for the admission of such Rum or Rum Shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such Declaration, shall be proceeded against for the false and fraudulent Declaration as hereinunder prescribed.

IX. And it is hereby enacted, that any person who shall, in making any Declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof before such Court as would be competent to try such person for Perjury, be punished as in cases of Perjury ; and every person procuring another person to affirm such untruth shall be liable to be punished as in cases of Subornation of Perjury, and any Officer of Government subscribing an Attestation to the verity of such Declaration, knowing the same to be untrue, shall be subject to a like penalty as the false Declarant, besides dismissal from the employment of Government.

X. And it is hereby provided, that notwithstanding any thing in this Act contained, no person intending to manufacture Rum or Rum Shrub within the Presidency of Madras, shall establish a

Distillery for such purpose without making application for a Licence in manner directed by Regulation I. of 1820 of the Madras Code; and every person manufacturing Rum or Rum Shrub within the Madras Presidency, without having first obtained such Licence, shall be liable to the penalties provided in that Regulation.

SCHEDULE A.

I, A. B., solemnly declare that all the Rum or Rum Shrub hereinunder described is the produce of the Licensed Distillery named ——— in the District of ———, and that the said Rum or Rum Shrub is the produce of the Sugar Cane, Date, or Palm-tree, and wholly free from any admixture of Spirits manufactured from Rice, Grains, or any other substance whatever.

(Signed) A. B.

The —— day of —— 18—.

* I, B. B., Government Officer in charge on the part of Government of the —— Distillery, do hereby certify that the above is a true and correct Declaration.

B. B.,
Govt. Officer attached to the
——— *Distillery.*

Description of the ——— to which the above Declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Marks on Packages.

(Signed) A. B.

The —— day of —— 18—.
Collector's number ——.
Collector's date —— of —— 18—.

(Signed) Y. Z., *Collector.*

Seal of the Collector.

* This Declaration must be drawn out before the Rum leaves the Distillery in order that the attestation of the Government Officer may be attached.

SCHEDULE B

I, C. D., Collector of Land Revenue (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council to act in this behalf) for the District of ——— do hereby in conformity with the provisions of Act ——— grant this Certificate under my hand and seal, that the Rum or Rum Shrub described in the Declaration hereunto annexed, which is sealed with the seal of this office, numbered ——— of ——— 18—, dated the ——— of ——— 18—, and signed by ———, Manager or Owner of the Licensed Distillery called ———, is the produce of the District of ———, and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum and of Sugar and Rum the growth or produce of any British possessions into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District of ———.

L. S. (Signed C. D.

This ——— day of ———.

SCHEDULE C.

I, E. F., Shipper of the Rum or Rum Shrub hereinunder described, solemnly declare, that all the Rum or Rum Shrub hereinunder described, is, to the best of my knowledge and belief, the same Rum or Rum Shrub to which the Certificate now produced by me relates. (Signed) E. F.

Description of ——— to which this Declaration relates.

Quantity in Gallons	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) E. F.

The ——— day of ——— 18—.

SCHEDULE D.

I, R. W., Collector of Customs, (or being an Officer appointed by the Governor in Council to act in this behalf) for the Port of

——— certify under my hand and seal, that there has been produced to me by E. F., the Shipper of the Rum or Rum Shrub hereinunder described, a Certificate under the hand and seal of C. D., Collector of Land Revenue, (or Collector of Custom Revenue, or being an Officer appointed by the Governor in Council to act in this behalf) for the District of ———, in the Territories forming part of the Presidency of Fort St. George, which Certificate certifies that the said Rum or Rum Shrub is of the produce of the said District, and is declared to be free from any admixture of Spirits manufactured from other substance than the Sugar Cane, Date or Palm-tree, and that the importation of Foreign Sugar and Rum, or Sugar and Rum the growth or produce of any British possession into which Foreign Sugar and Rum can be legally imported, is prohibited in the said District.

L. S. (Signed) R. W.,
Collector of Customs.

The —— day of —— 18—.

Description of the ——— to which the Certificate relates.

Quantity in Gallons.	Quality.	Average Strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) R. W.,
Collector of Customs.

ILLUSORY APPOINTMENTS, &c.

ACT No. XXIV. OF 1841.

[*Passed on the* 18*th October*, 1841.

1 *and* 2. *Statutes* 11 *George* 4, *and* 1 *William* 4, *Cap.* 40, *and Cap.* 65 *to be extended to the territories of the East India Company.*

3. *Statute* 11 *George* 4, *and* 1 *William* 4, *Cap.* 60, *except so much as provides that it shall not extend to cases of partition, extended to the territories of the East India Company, as far as it is applicable, &c.*

4. *Statute 11 George 4, and 1 William 4, Cap. 47, Sections 10 and 11 extended to the territories of the East India Company.*

5. *This Act to extend only to cases governed by English Law.*

An Act for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the Effects of Testators; Illusory Appointments; the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters.

I. It is hereby enacted, that the Statute XI. George IV. and I. William IV. Ch. 40, entitled "An Act for making better provision for the disposal of the undisposed of residues of the Effects of Testators," shall be extended to the Territories of the East India Company as far as it is applicable to the same. Provided that this Act shall take effect from the first day of January next, which day is substituted for the first day of September mentioned in the Statute.

II. And it is hereby enacted, that the Statute XI. George IV. and I. William IV. Ch. 46, entitled "An Act to alter and amend the Law relating to Illusory Appointments," and the Statute XI. George IV. and I. William IV. Cap. 65, entitled "An Act for consolidating and amending the Law relating to property belonging to infants, feme coverts, idiots, lunatics and persons of unsound mind," shall, from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same.

III. And it is hereby enacted, that the Statute XI. George IV. and I William IV. Cap. 60, entitled "An Act for amending the Laws respecting conveyances and transfer of Estates and Funds vested in Trustees and Mortgagees, and for enabling Courts of Equity to give effect to their Decrees and Orders in certain cases," except so much thereof as provides that it shall not extend to cases of partition, shall, from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable to the same, and all provisions contained in the last mentioned Statute relating to the Lord Chancellor of Great Britain, intrusted as therein is mentioned, or to Courts of Chancery, or

their Decrees, shall be applicable to Her Majesty's Supreme Courts of the respective Presidencies. And the indemnity and discharge mentioned in the last Section of the same Act shall be applicable to the East India Company, and all Corporate Societies established within the Territories of the East India Company and their Officers and Servants.

IV. And whereas it is expedient to adopt the amendments of the English Law touching the delay of action, suits, or other proceedings, by reason of the parol demurring; and touching conveyances made by Infants under order of Courts; it is hereby enacted, that Sections 10 and 11 of the XI. Geo. IV. and I William IV. Ch. 47, entitled "An Act for consolidating and amending the Laws for facilitating the payment of debts out of real Estate," shall, from the first day of January next, be extended to the Territories of the East India Company, as far as it is applicable in the same.

V. And it is hereby provided, that this Act shall not be construed to affect any case which would not have been governed by English Law as administered by Her Majesty's Supreme Courts previous to the passing thereof, or any proceedings at Law or in Equity commenced before the first day of January next.

CONTEMPTS IN EQUITY.

ACT No. XXV. OF 1841.

[*Passed on the* 18*th October*, 1841.

1. *If any person having been directed by decree or order to execute a deed, &c. has refused and been committed for contempt, &c. the Court may, two months afterwards, on motion, &c. appoint the Master, &c. to execute such deed, &c.*

2. *If any person shall be committed for a contempt in not delivering books, &c. as ordered, the Sheriff under writ of sequestration may seize the same, &c. and after seizure may order discharge of prisoner, &c.*

3. *The discharge of prisoner under Insolvent Debtor's Act shall extend to process in Equity for contempt in non-payment of money, and to costs and charges.*

4. *In all cases of imprisonment for contempt issued out of Supreme Court,*

such Court may discharge the prisoner except as to costs, and as to such costs, the discharge under the Insolvent Debtor's Act shall extend.

An Act for amending the Law concerning imprisonment for contempts of decrees or orders made by Courts of Equity.

I. It is hereby enacted, that when any person shall have been directed by any Decree or Order in Equity of Her Majesty's Supreme Courts to execute any deed or instrument, or make a surrender or transfer, or to levy a fine, and shall have refused or neglected to execute, make or transfer or levy the same, and shall have been committed to prison under process for such contempt or being confined in prison for any other cause shall have been charged with or detained under process for such contempt and shall remain in such prison, the Court may, upon motion or petition, and upon affidavit that such person has after the expiration of two calendar months from the time of his being committed under or charged with or detained under such process, again refused to execute such deed or instrument, or make such surrender or transfer or levy such fine, order or appoint, the Master or Registrar of the said Courts to execute such deed or other instrument, or to make such surrender or transfer for and in the name of [*such*] person, and to levy such fine in his name and to do all acts necessary to give validity and operation to such fine, and to lead or declare the uses thereof, and the execution of the said deed or other instrument, and the surrender or transfer made by the said Master or Registrar, and the fine levied by him, shall in all respects have the same force and validity as if the same had been executed, or made or levied by the party himself, and within ten days after the execution or making of any such deed or other instrument, or surrender or transfer, or levying such fine, notice thereof shall be given by the adverse Solicitor to the party in whose name the same is executed or made, and such party as soon as the deed or other instrument or surrender, transfer or fine, shall be executed, made or levied, shall be considered as having cleared his contempt, except as far as regards the payment of the costs of the contempt, and shall be entitled to be discharged therefrom under any of the provisions of this Act applicable to his case, and the Court shall make such order as shall be just touching the payment of the cost of or attending any such deed, surrender, instrument, transfer or fine.

II. And it is hereby enacted, that where a person shall be committed for a contempt in not delivering to any person or persons, or depositing in Court or elsewhere, as by any order in Equity of Her Majesty's Supreme Courts may be directed, books, papers or any other articles or things, the Sheriff, under any writ of sequestration, shall have the same power, to seize and take such books, papers, writings or other articles, or things being in the custody or power of the person against whom the sequestration issues, as they would have over his own property, and thereupon such articles or things so seized and taken shall be dealt with by the Court as shall be just, and after such seizure it shall be lawful for the Court upon the application of the prisoner, or any other person in the cause or matter to make such order for the discharge of the prisoner upon such terms as to the Court shall seem proper.

III. And it is hereby enacted, that the discharge of any prisoner adjudicated upon under the authority of an Act passed in the 9. G. IV. C. 73, intituled "An Act to provide for the Relief of Insolvent Debtors in the East Indies until the 1st day of March 1833," last continued by an Act passed in the 3. and 4. Vic. C. 80, shall and may extend to all process in Equity issuing from Her Majesty's Supreme Courts for any contempt of such Court for non-payment of money, or of costs, charges *of (a)* expences in any such Court, and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same, and every discharge so adjudicated as aforesaid as to any debt or damages of any creditor of such prisoner shall be deemed to extend also to all costs incurred by such creditor before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoners for the purpose of the recovery of the same, and that all persons as to whose demands, for any such costs, money, or expences, any such person shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said last mentioned Acts, subject, nevertheless, to such ascertaining of the said

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(a) So in Government Copy: read "or."

demands as may be had by taxation, or otherwise, and to such examination thereof as is in the said last mentioned Acts provided in respect of all claim to a dividend of such Insolvent's Estate and Effects.

IV. And be it further enacted, that in all cases of contempt, where any person or persons are, or is, or shall, at any time hereafter be in prison under or by reason of any commitment or attachment in Equity directed by or issued out of Her Majesty's Supreme Courts, such Court shall (upon the application of the person or persons against whom such commitment or attachment hath been directed or issued,) have the power, if it shall so think fit, to discharge such person or persons from their, his, or her contempt, except as to the costs thereof, for which costs they, he, or she shall remain in custody, and such costs shall be deemed within the provisions of the last preceding Section of this Act—and they, he, or she shall be discharged therefrom, and from the process of contempts in like manner as in the last preceding Section of this Act provided for in cases of process of contempt for non-payment of money or costs. Provided that this Act shall not weaken any of the other powers by this Act given, and that nothing herein contained shall alter or affect the operation of the said Acts for the Relief of Insolvent Debtors.

LAW AMENDMENT.

ACT No. XXVI. OF 1841.

[*Passed on the* 18*th October*, 1841.

1. *An action of Trespass or on the Case may be brought by Executors, &c. if brought within six months after death of the deceased for injury committed in his life time to real Estate, and against Executors within the same time for injury done by deceased to real or personal property of deceased.*

2. *Abolishes wager of Law.*

3. *Gives action of debt against Executor or Administrator.*

4. *Defendant in all personal actions, (except Assault and Battery, False Imprisonment, Libel, Slander, Malicious Arrest and for Criminal Conversation, and Debauching Plaintiff's Daughter or Servant,) may by leave pay into Court a sum by way of compensation.*

5. *After issue joined, the parties by consent and order of a Judge, may*

agree that judgment shall be entered, subject to a case for the opinion of the Court.

6. *The name of witness objected to as incompetent from interest may be indorsed on record, and such indorsement shall be sufficient evidence that he was examined, &c.*

7. *The Court on trial of issue may give damages in the nature of interest over and above the value of the goods in actions of Trover or Trespass, &c.*

8. *and 9. In cases governed by English Law, Executors of Lessor may distrain in like manner as Lessor, and six months after determination of term if the same tenant continue in possession.*

An Act for extending in cases governed by English Law certain provisions of the Statute 3d and 4th William IV. Chap. 42., entitled "An Act for the further amendment of the Law and the better advancement of Justice."

I. Whereas there is no remedy provided in cases governed by English Law for injuries to the Real Estate of any person deceased, committed in his life time, nor for certain wrongs done by a person deceased in his life time to another in respect of his property, real or personal; for remedy thereof it is hereby enacted, that an action of Trespass or Trespass on the case, as the case may be, may be maintained by the Executors or Administrators of any person deceased for any injury to the real Estate of such person, committed in his life time, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person; and the damages when recovered, shall be part of the personal Estate of such person; and further that an action of Trespass or Trespass on the case, as the case may be, may be maintained against the Executors or Administrators of any person deceased for any wrong committed by him in his life time to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such Executors or Administrators shall have taken upon themselves the Administration of the Estate and Effects of such person; and the damages to be recovered in such action shall be payable in like order of Administration as the simple contract debts of such person.

II. And it is hereby enacted, that no wager of Law shall be hereafter allowed.

III. And it is hereby enacted, that an action of debt on simple contract shall be maintainable in any of Her Majesty's Supreme Courts against any Executor or Administrator.

IV. And it is hereby enacted, that it shall be lawful for the Defendant in all personal actions (except actions for Assault and Battery, False Imprisonment, Libel, Slander, Malicious Arrest or Prosecution, Criminal Conversations or Debauching of the Plaintiff's Daughter or Servant,) by leave of any of Her Majesty's Supreme Courts where such action is pending, or a Judge of any of the said Courts, to pay into Court a sum of money by way of Compensation or Amends, in such manner and under such regulations as to the payment of costs and the form of pleading as the said Judges or such Courts respectively shall by any rules or orders by them to be from time to time made, order and direct.

V. And it is hereby enacted, that it shall be lawful for the parties in any action or information, after issue joined, by consent and by order of any of the Judges of the said Courts, to state the facts of the case, in the form of a special case, for the opinion of the Court, and to agree that a judgment shall be entered for the Plaintiff or Defendant, by confession or of nolle prosequi, immediately after the decision of the case, or otherwise as the Court may think fit; and judgment shall be entered accordingly.

VI. And it is hereby enacted, that the name of every witness objected to as incompetent, on the ground that the judgment in the action would be admissible in evidence for or against him, shall at the trial be indorsed on the Record or Document on which the trial shall be had, together with the name of the party on whose behalf he was examined by some Officer of the Court, at the request of either party, and shall be afterwards entered on the record of the judgment; and such indorsement or entry shall be sufficient evidence that such witness was examined in any subsequent proceeding in which the judgment shall be offered in evidence.

VII. And it is hereby enacted, that every such Court as aforesaid on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest,

over and above the value of the goods at the time of the conversion or seizure, in all actions of Trover or Trespass de bonis asportatis, and over and above the money recoverable in all actions on Policies of Assurance made after the passing of this Act.

VIII. And it is hereby enacted, in cases which would be governed by English Law, that it shall be lawful for the Executors or Administrators of any Lessor or Landlord to distrain upon the Lands demised for any term, or at will, for the arrearages of rent due to such Lessor or Landlord in his life time, in like manner as such Lessor or Landlord might have done in his life time.

IX. And it is hereby enacted, that such arrearages may be distrained for after the end or determination of such Term or Lease at Will, in the same manner as if such Term or Lease had not been ended or determined; provided that such distress be made within the space of six calendar months after the determination of such Term or Lease, and during the continuance of the possession of the Tenant from whom such arrears become due: provided also, that all and every the powers and provisions of Law relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

UNCLAIMED DIVIDENDS.

ACT No. XXVII. OF 1841.

[*Passed on the* 18*th October*, 1841.

1. *Unclaimed Dividends on Insolvent Estates may after six years be ordered to be repaid to Assignees and by them distributed among Creditors.*
2. *Unclaimed Dividends, before they are distributed under this Act, shall be advertized in manner specified, &c.*
3. *Six months wages may be paid to Servants before a Dividend is declared.*
4. *Act when to take effect.*

An Act for appropriating the unclaimed Dividends on Insolvent Estates.

I. Whereas, pursuant to the Orders of the Courts for the Relief of Insolvent Debtors at the several Presidencies, divers sums on account of unclaimed Dividends on Insolvent Estates have, from time to time, been paid over by the Assignees of such Insolvent

Estates into the hands of the Accountant-General and Sub-Treasurer of the East India Company at such several Presidencies with the privity of the Accountant-General of the said Insolvent Courts, to the credit of the persons named in the Schedules as Creditors of such Insolvents respectively;—and whereas it is expedient that in the event of no claim being established to such unclaimed Dividends or any part thereof, within a reasonable time, such Dividends should be distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively;—

It is therefore enacted, that it shall be lawful for the said Courts of Insolvent Debtors respectively in the event of no claim being established to such Dividends or any part thereof, within six years after any Dividend shall have been so paid over, as aforesaid, to order the same to be repaid to such Assignees, to be by them distributed among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively, and to order such claims to be expunged from such Schedules. Provided that this Act shall not affect the right of any party to be paid such Dividends out of any future Assets, which may come to the hands of the Assignees, together with any future Dividends which may be declared on such Insolvent Estates respectively in the event of any such claim being afterwards established.

II. And it is hereby enacted, that no such unclaimed Dividend shall at any time be distributed under this Act unless a Statement of such unclaimed Dividends be previously published in manner following: One year at least before making any such division as aforesaid a statement shall be published three times in the English language, and also in one or more Native languages in the Official Gazettes of the respective Presidencies, which statement shall contain the names and descriptions as contained in the Schedules of all parties in respect of whose claims Dividends are reserved, together with the amount of such claims respectively, and shall specify whether any former Dividend or Dividends have been paid in respect thereof, and whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued. Provided always that this Act shall not authorize the distribution of any such Dividend except where no person shall at any time have

substantiated any claim to the debt in respect of which such Dividend may have become due.

III. And it is hereby further enacted, that in case it shall appear that any Insolvent is indebted to any Domestic Servants for Wages, it shall be lawful for such Courts at or before the time of declaring a Dividend to order the amount due for such Wages, but not exceeding in the whole the amount of six months' Wages to be paid to such Servants out of the Estate of such Insolvents.

IV. And be it enacted, that this Act shall not take effect until the first day of January, 1843.

COURTS MARTIAL.

ACT No. XXVIII. OF 1841.(a)

[*Passed on the* 15*th November*, 1841.

Offender not being a Commissioned Officer, to be amenable to Articles of War for native forces, as Soldiers are under Act 23, 1839.

An Act for extending Act No. XXIII. of 1839, to Camp Followers.

It is hereby enacted, that in cases in which an offender, being a Soldier, is punishable under Act No. XXIII. of 1839, any offender amenable to any Articles of War for the East India Company's Native Forces, not being a Commissioned Officer, shall be punishable according to that Act, as well as otherwise according to law; and Act No. II. of 1840, shall be applicable to offenders imprisoned under this Act.

(a) Extended by Act No. 12 of 1842 to all persons serving with any part of the Army and receiving public pay in any capacity, menial servants, and other Camp Followers of every description.

BENGAL AND MADRAS.—DISMISSAL OF SUITS AND APPEALS.

ACT No. XXIX. OF 1841.

[*Passed on the* 13*th December*, 1841.

1. *Plaintiff or appellant neglecting to proceed for six weeks, suit or appeal to be dismissed, without previous notice, unless further time has been previously obtained on special grounds. The Court shall record its reasons for giving further time, but not for refusing it.*

2. *Defendant or Respondent to have costs if suit of appeal is dismissed.*

3. *Repeals Clause 2, Section 27, Regulation 23, 1814, of the Bengal Code: and Clause 2, Section 26, Regulation 6, 1816, of the Madras Code. Enacts,—No appeal against dismissal of a suit or appeal, other than a summary appeal on the fact of default shall be allowed.*

An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of Suits and Appeals for neglecting to proceed in the same.

I. It is hereby enacted, that if a Plaintiff or Appellant in any Court shall, at any time, neglect to proceed in his Suit or Appeal for six weeks, the Suit or Appeal shall be dismissed; and it shall not be necessary to give the Plaintiff or Appellant any notice previous to dismissing his Suit or Appeal. The Suit or Appeal shall be dismissed as of course after the expiration of six weeks without any proceeding on the part of the Court, or of the Defendant, or otherwise, or assignment of any reasons, unless the Plaintiff or Appellant, or his representative, in case of his death, upon special application, shall have previously satisfied the Court of the propriety of allowing further time. The Court shall record upon the proceedings the reasons at large for allowing further time in all cases in which further time may be allowed, but it shall not be necessary to specify the reasons for refusing any application for further time.

II. And it is hereby enacted, that in all cases in which a Suit or Appeal is dismissed under the preceding Section the Court shall award to the Defendent or Respondent the costs he may have incurred in the Suit or Appeal. But such dismissal shall be no impediment to the institution of a new Suit or Appeal, where the party is not precluded by lapse of time, or period of Appeal, or otherwise than by the mere circumstances of having instituted the Suit or

Appeal dismissed and of such dismissal, and such dismissed Suit or Appeal shall not prevent lapse of time under the Law of Limitations being incurred.

III. And it is hereby enacted, that Clause 2, Section 27, Regulation XXIII. of 1814, of the Bengal Code, and Clause 2, Section 26, Regulation VI. of 1816, of the Madras Code, are repealed, and no Appeal shall lie against the decision passed in accordance with the provisions of the preceding Clauses of this Act, other than a summary appeal on the fact of default.

OBSTRUCTIONS TO JUSTICE.

ACT No. XXX. OF 1841.

[*Passed on the 20th December*, 1841.

1. *All persons using menacing gestures, &c. or otherwise obstructing justice in the presence of any Zillah or City Magistrate, Joint Magistrate, &c. or any superior or inferior Court, Civil or Criminal, may be fined not exceeding 200 Rupees, or if not paid imprisoned for one month. Party aggrieved may appeal within one month. Party, if not proceeded against under this Act, may be indicted in Her Majesty's Supreme Courts.*

2. *The Sudder Board of Revenue, Local Commissioners, &c., Collectors, &c. may punish any of the aforesaid offences by fine, or imprisonment in the Civil Jail. Party aggrieved may appeal to the Supreme Revenue authorities.*

3. *Repeals Section 42, the further proviso in Section 74, Regulation 23, 1814; Clauses 2 and 3, Sections 5 and 6, Regulation 12, 1825.*

An Act for repressing Obstructions to Justice in certain Courts of the East India Company.

I. Whereas sufficient provision is not made for repressing obstructions to Justice committed in the Courts of the East India Company;—It is hereby enacted that all persons whatsoever, whether generally amenable to the Courts of the East India Company or otherwise, using menacing gestures or expressions, or otherwise obstructing Justice in the presence of any Zillah or City Magistrate, Joint Magistrate, or other Officer under a Magistrate empowered to try Criminal cases, or any superior or inferior Court, Civil or Criminal, of the East India Company, shall be liable to be fined by the Authority whose proceedings are obstructed to any

amount not exceeding 200 Rupees, or in case such fine be not paid to be imprisoned for any period not exceeding one month. Provided that from the award of punishment in such cases an appeal shall lie, if preferred within one month, to the Authority, Civil or Criminal, appointed by Law to hear appeals in all other cases from the decisions of the Officer by whom the fine was imposed; and provided also that notwithstanding any thing in this Act it shall be lawful to indict any person amenable to Her Majesty's Supreme Courts as for a misdemeanor in any of the cases aforesaid sustainable before this Act, if no proceeding shall have been had against the offender in the Court where the offence was committed, but not otherwise.

II. And it is hereby further enacted, that the Sudder Board of Revenue, the local Commissioners, or other Officers exercising the powers of either of those authorities, the Collectors, or other Officers exercising the powers of Collector, shall be competent to punish any obstruction of the nature aforesaid, by fine to an extent not exceeding 200 Rupees, and in case such fine be not paid by imprisonment in the Civil Jail for a period not exceeding one month. Provided that the orders passed in such cases shall be subject on appeal to the revision and control of the superior Revenue Authorities, as in all others, and shall, as well as the sentences passed under Section I. of this Act, be carried into effect by the Magistrate, on application being made to that Officer, in the usual mode.

III. And it is hereby enacted, that Section 42, the further proviso contained in Section 74., Regulation XXIII. 1814; Clauses second and third, Section 5, and Section 6, Regulation XII. of 1825 of the Bengal Code, are repealed.

BENGAL.—CRIMINAL APPEALS.

ACT No. XXXI. OF 1841.

[*Passed on the 20th December*, 1841.

1. *Repeals those parts of the Bengal Code which concern the powers, &c. of Criminal Courts in respect to appeals, &c.*

2 *From every sentence, &c. in Criminal trials within Sections 8 and 9,*

Regulation 9, 1793; Section 4, Regulation 16, 1795; and Sections 8 and 9, Regulation 6, 1803, or in judicial proceedings other than Criminal trials passed by an Assistant to a Magistrate, a Sudder Ameen, &c. or by any Officer inferior to a Magistrate, there shall be one appeal to the Magistrate, &c. within one month, &c.

3. *and 4. Nizamut Adawlut may call for the records of any Criminal trials of any subordinate Court, and pass upon them such orders as may seem fit: but (Section 4,) may not enhance any punishment or punish person acquitted.*

5. *Sessions Judge, Magistrate, Joint Magistrate, &c. may call for, &c. the records of any Court subordinate to them, to examine as to regularity of their proceedings; but not to alter except upon appeal any sentence or order, &c.*

6. *Sessions Judge may refer to the Nizamut Adawlut any trial in which he thinks the sentence he is empowered to pass, inadequate.*

7. *This Act not to affect the provisions of Act 24, 1837, as to Superintendent of Police.*

An Act for amending the provisions of the Bengal Code touching Criminal Appeals, and the revision of Sentences and Orders of Criminal Courts.

I. Whereas the provisions of the Bengal Code concerning Criminal Appeals and revision of Sentences and Orders of Criminal Courts require to be amended;—

It is hereby enacted, that those parts of the Bengal Code which concern the powers and duties of the Criminal Courts in respect to appeals and revision of sentences of a Lower Court by a higher, are repealed.

II. And it is hereby enacted, that from every sentence or order in Criminal trials, within the limitation prescribed by Sections 8 and 9, Regulation IX. 1793, Section 4, Regulation XVI. 1795, and Sections 8 and 9, Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by an Assistant to a Magistrate, or by a Sudder Ameen, or by a Law Officer, or by any other Officer under a Magistrate empowered to try Criminal cases, there shall be permitted one appeal to the Magistrate, Joint Magistrate or Officer exercising the powers of Magistrate, within one month from the date of such Sentence or Order. And from every Sentence or Order in Criminal trials beyond the limitation prescribed by Sections 8 and 9, Regulation IX. 1793, Section 4, Regulation XVI. 1795, and Sections 8 and 9, Regulation VI. 1803, or in Judicial proceedings other than Criminal trials passed by a Magistrate, Joint Magistrate, Assistant to a

Magistrate vested with special powers, or other Officer empowered to try Criminal cases, there shall be permitted within one month as aforesaid one appeal to the Sessions Judge. And from every Sentence or Order passed in Criminal trial by a Sessions Judge, there shall be permitted within three months one appeal to the Court of Nizamut Adawlut. And except as provided in the next Section of this Act the Sentences or Orders passed upon such appeals shall be final.

III. And it is hereby enacted, that it shall be at all times lawful for the Courts of Nizamut Adawlut to call for the records of any Criminal trials of any Subordinate Court and to pass upon them such orders as may seem fit.

IV. Provided however, and it is hereby enacted, that it shall not be lawful for the Court of Nizamut Adawlut in cases so called for, or for any Criminal Court in Appeals preferred to it, to enhance any punishment awarded, or to punish any person acquitted by the Court below.

V. And it is hereby enacted, that it shall be at all times lawful for a Sessions Judge and for a Magistrate, Joint Magistrate or Officer exercising the powers of Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the regularity of the proceedings of such Subordinate Courts: But it shall not be lawful for any Court under the degree of the Nizamut Adawlut to alter any Sentence or Order of any Subordinate Court, except upon Appeal by parties concerned, duly made according to the provisions of this Act.

VI. And it is hereby enacted, that it shall be competent to a Sessions Judge to refer to the Nizamut Adawlut any trial in which he may consider the sentence he is empowered to pass, inadequate to the guilt of the prisoner, any thing in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that nothing in this Act contained shall be held to alter or interfere with the powers and duties of a Superintendent of Police as laid down in Act No. XXIV. of 1837, and other parts of the Bengal Code.

CALCUTTA.

ACT No. I. OF 1842.

[Passed on the 10th January, 1842.

Laws, &c. prohibiting the sale of Liquors without licence, to be applicable to the sale of Opium and other intoxicating drugs in Calcutta.

An Act for better regulating the sale of Opium and other intoxicating Drugs within the Town of Calcutta.

It is hereby enacted, that all Laws and Regulations prohibiting the sale of Spirituous Liquors within the Town of Calcutta, except under licences, and regulating the granting such licences, and for inflicting penalties for breach of the conditions thereof, or for selling Spirituous Liquors, without having obtained such licences, shall be applicable to the sale of Opium and other intoxicating Drugs within the Town of Calcutta.

POWERS OF GOVERNOR GENERAL.

ACT No. II. OF 1842.

[Passed on the 28th March, 1842.

1. *The Governor General during his absence from Calcutta may exercise alone all powers except that of making laws, &c.*
2. *Act to commence from time notified in the Official Gazette.*

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. Whereas it is expedient that the Governor General should visit the North Western Provinces and other parts of India, unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from Calcutta, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

CALCUTTA AND RIVER HOOGHLY.

ACT No. III. OF 1842.

[*Passed on the 22d July*, 1842.

Extends Act 21, of 1839, to specified cases of petty thefts, where the value does not exceed 20 rupees, though they are not cases of simple larceny.

An Act for extending the Provisions of Act XXI. of 1839, to certain Petty Thefts, not being cases of Simple Larceny.

Whereas it has been found that property has been rendered insecure in many cases, by reason of the impunity with which petty thefts, not being Simple Larcenies, have been committed, it is hereby enacted, that Act No. XXI. of 1839, shall be extended to the following cases, where the property stolen does not exceed in value 20 Rupees, that is to say, to stealing any Goods or Merchandize in any vessel, barge or boat of any description whatsoever, or from any dock, wharf or quay; to stealing, by any servant, any chattel or money belonging to or in possession or power of his master; to stealing any chattel or money from the person of another.

MADRAS ROADS.—BOAT-REGULATIONS.

ACT No. IV. OF 1842.

[*Passed on the 22d July*, 1842.

1. *No person, either as owner or servant, shall use, &c. any Boat or Catamaran to carry passengers, &c., to or from Madras Roads and Shore, unless licenced. Boats and Catamarans also to be licenced. Persons breaking this law to be fined not exceeding* 50 *Rupees*

2. *The Master Attendant if satisfied that the Boat is proper for the purpose, shall upon application by the Owner grant a licence, containing specified particulars to be registered, and upon a change of Ownership the new Owner shall give notice, &c. to Master Attendant, and be entitled on specified terms to a new licence. Fine of* 50 *Rupees for breach of above provisions. Fee of one Rupee to be paid for licence.*

3. *Master Attendant before he grants licence shall cause Boat to be surveyed and measured; and defects of admeasurement seaworthiness and quality of the Boat to be rectified. Fine of* 3 *Rupees to be paid to Master Attendant.*

4. *The Registered number of Boat to be painted in black figures, &c. on white ground on side of the bow and on the opposite quarter, Boat shall be forfeited if*

any number not duly registered is painted or counterfeited, and offender to forfeit 100 *Rupees.*

5. *Master Attendant to cause the number of the Registry to be cut or branded in the most common native characters on Boat. Owner neglecting to keep any figure cut or branded, &c. or wilfully concealing, &c. the same, shall forfeit not exceeding* 100 *Rupees, &c.*

6. *Every licensed Boat of the description now in use, &c. shall be manned with not less than* 2 *steersmen,* 8 *rowers and* 1 *Baler, and shall if required carry any number of passenger not exceeding* 15, *or specified quantity of goods, &c. Other licensed Boats shall be manned, &c. as Master Attendant in licence shall direct, &c*

7. *If Boat is loaded with more Passengers or cargo than allowed by licence, the Tindal may be fined not exceeding* 5 *Rupees, for every surplus passenger, &c. and the Owner* 50 *Rupees and other persons* 10 *Rupees, &c.*

8. *No licensed Boat or Catamaran shall leave the shore before gun fire in the morning, nor after* 5 *o'clock in the afternoon, nor remain alongside after* 6 *o'clock in the afternoon without leave of Master Attendant, who may prevent any Boat putting off at any time by hoisting flags, &c.*

9. *On the* 15*th December every year the Owners of licensed Boats and Catamarans shall expose them and their crews on the beach for the inspection of the Marine Board, &c. and the Master Attandant may require their exposure monthly or oftener, &c. Owner refusing to do so, or in case Master Attendant deems Boat, &c. when exposed, unseaworthy, &c. the licence shall be suspended, &c.*

10 *Regulates between what limits Grain and other Goods excepting Timber, shall be landed. Person attempting to land Goods elsewhere, to be liable to fine not exceeding* 100 *Rupees, &c.*

11. *Regulates between what limits all Vessels other than native Vessels or Donies shall Anchor, &c. Owner of licensed Boats, &c. communicating with Vessels anchored elsewhere, to be liable to pay not exceeding* 10 *Rupees.*

12. *Owners of Boats, &c. kept to let out for hire, shall when Boats are not engaged, give daily attendance at the Boat Office from* 5 *A. M. till* 6 *P. M., or in default owner to be fined not exceeding* 10 *Rupees.*

13. *Owner of Boat &c. demanding higher rate for hire than is sanctioned by Schedule B., shall forfeit* 10 *Rupees and amount of hire.*

14. *Owner, &c of licensed Boat, &c. kept to let for hire, refusing to let on hire such Boat, &c. without reasonable cause, shall be liable to penalty of* 20 *Rupees, and for second refusal* 100 *Rupees and to forfeit licence.*

15. *Boatmen serving in any such Boat, &c. wilfully neglecting duty and thereby causing impediment to the service of Boat, &c. shall for first offence be liable to receive* 3 *dozen lashes, and if life shall have become endangered, and for second offence, imprisonment with hard labor for not exceeding* 6 *months.*

16. *Owners of Boats, &c. to keep and provide for service during the night ten Boats, &c. according to a course of rotation to be specified by the Master Attendant, &c. Owners making default without reasonable excuse to be liable to*

penalty (if owner of Boat) of 20 Rupees for first and 50 for second offence, and if the owner of Catamaran to 5 and 10 Rupees respectively

17. *Boats kept to be let out, shall be kept dunnaged and seaworthy, or in default, owner shall be liable to pay 5 rupees, &c.*

18. *The owner of Boat, &c. holding communication with any ship or vessel in the offing, &c before the Master Attendant's Report Boat, &c has boarded such Ship, &c. shall forfeit 20 Rupees, &c. or for attempting to hold such communication 10 Rupees.*

19. *The Master Attendant, &c. may go on board any Boat, &c and search for prohibited, &c goods, and examine Packages, &c and may search persons, &c.; but females to be searched only by females. Persons resisting, &c. the performance of these acts to be liable to fine not exceeding 100 Rupees, &c. or to imprisonment &c. not exceeding 6 months; and licence to be forfeited if offence is by Boat-owner, &c.*

20. *Repeals Sections 3, 4, 7, 8, 9, and 10, of Police Regulations,*

21. *The jurisdiction, &c. given by the aforesaid Regulation may be exercised by any Justices of the Peace, &c.*

22. *Every person using, &c. Boat, &c. in the Madras Roads, shall be amenable to Sections 11, 12, and 13, of the said Regulation.*

23. *Extends Section 36, of such Regulation to fixing up, &c. of notice under this Act, &c.*

24. *All pecuniary forfeitures, &c. under this Act shall be determined by Justice of the Peace of the Town of Madras. Penalties to be recovered by Warrant against goods, &c which if not sufficient, offender may be committed to prison, &c.*

An Act for the better management of Boats and Catamarans in the Madras Roads and for the amendment of certain Harbour Regulations.

I. Whereas it is expedient to make Regulations for Boats and Catamarans employed in the Madras Roads, with a view to the better preservation of good order, the prevention of smuggling, and the general protection of life and property, and whereas certain Rules now in force for the Harbour of Madras require amendment,—

It is hereby enacted, that from and after the 1st day of September next, no person either as Owner or Servant, shall use or employ, or be employed in, any Boat or Catamaran to carry Passengers, Goods or Letters, to or from any Ship or Vessel lying in the Madras Roads and Shore, unless such Owners or Owner of Boats and Catamarans shall have previously received a Licence, and unless the Boat or Catamaran which such Owners or Owner, Servants or Servant shall so use, has been registered as hereinafter mentioned, and in case any person who has not received such licence shall employ or be employed in a Boat or Catamaran for the purposes

aforesaid, or such Boat or Catamaran shall not have been so registered, such person shall be liable to a fine not exceeding the sum of 50 Rupees on conviction before a Justice of the Peace, as that Justice shall direct, and the Boat or Catamaran shall be liable to be seized by the orders of any Justice of the Peace and forfeited.

II. And it is hereby enacted, that upon the Master Attendant being satisfied that any such Boat is of the proper dimensions and capacity, and that the same is seaworthy, and of a proper quality for the purposes aforesaid, and upon the application of the Owner of any such Boat or of any Catamaran, and upon such Owner delivering to him a written paper signed by such Owner specifying his name, occupation and place of residence, and the names and places of residence of all such Boatmen or other persons as shall be employed by such Owner in and about the navigation and management of such Boat as particularly as may be, and also subscribing to a declaration in writing that he fully understands all the provisions of this Act and those contained in the Subsidiary Rules to the same Act, it shall and may be lawful, and the said Master Attendant is hereby required to grant to such Owner a Licence so to use the same, in which Licence (if of a Boat) shall be expressed the dimensions, the number of Passengers or the quantity of Goods which such Boat shall be permitted to take and carry, and every such Licence shall also contain a number for such Boat or Catamaran, and the name or names, occupation or occupations, and place or places of residence of the Owner or Owners thereof, and the number of the Servants or Crew who shall be used or employed to row or navigate the same and their names and places of residence respectively, all of which particulars shall be entered in a Book or Registry for that purpose to be kept by the Master Attendant, and so often as the property in any such Boat or Catamaran, or any share of the same shall be transferred, every Owner of such Boat or Catamaran shall produce his Licence before the said Master Attendant, and such new Owner shall also deliver to him a written paper signed by such new Owner specifying his name, occupation and place of residence, and the names and places of residence of all such Boatmen or other persons as he shall employ, or propose to employ in and about the navigation and management of such Boat as particularly as may be, and

shall also subscribe to a declaration in writing that he fully understands all the provisions of this Act, and those contained in the Subsidiary Rules to this Act, all which said particulars shall be duly entered by the said Master Attendant in a new Registry to be made by him of such Boat or Catamaran, and thereupon a new Licence to use such Boat or Catamaran expressing and containing the same particulars as are hereinbefore provided to be expressed in the original Licence, shall be granted by the said Master Attendant, and whenever any such Owner or Owners, or any of the Boatmen or other persons employed to manage or navigate any such Boat or Catamaran shall change his or their place of abode, notice of such change of abode shall be delivered to the said Master Attendant by the said Owner, in order that such new place of abode may be entered in the Registry and Licence. In wilful neglect or default of which notice of change of Ownership or of the persons employed to row or navigate any such Boat, or of his or their or any or either of their change of residence, for the space of six days after any such change of residence, the Owner shall forfeit a sum not exceeding 50 Rupees on conviction before a Justice of the Peace, as that Justice shall direct, and for every such new Registration to be made by the said Master Attendant as aforesaid he shall be entitled to charge by way of fee the sum of one Rupee, and for every new Licence thereof the sum of one Rupee.

III. And it is hereby enacted, that in order to enable the said Master Attendant to grant a correct Licence of the Registry of every such Boat previous to the Registry of any Boat requiring such Licence, the said Master Attendant or his Deputy shall in the presence of the Owner of every such Boat or any other person duly appointed by such owner, cause each such Boat to be surveyed and measured, and in case the same shall not, in the judgment of the said Master Attendant or his deputy, be of the proper dimensions and capacity and seaworthy and of the proper quality for the purposes aforesaid, no Registry shall be made nor License be granted, until every such defect in the admeasurement, seaworthiness and quality of the said Boat shall have been rectified by the Owner thereof, and for every such survey and admeasurement a fee of three Rupees shall be paid by the Owner of any such Boat to the said Master Attendant.

IV. And it is hereby enacted, that the said Owner or Owners of every such Boat shall forthwith paint in black English figures, not less than six inches in length, upon a white ground, such white ground having a margin of at least three inches beyond the outermost part of the figures, on a conspicuous part of the bow on one side and of the quarter on the other, and in a legible and distinct manner from left to right, the number in such Registry and Licence mentioned, and if any person shall fraudulently paint or counterfeit or cause or permit to be painted or counterfeited upon any Boat, any figure not having been duly registered, every such person shall forfeit the sum of 100 Rupees, and every such Boat shall also be forfeited.

V. And, for the better prevention of fraud or omission in the painting, the figures hereinbefore provided to be painted, on all Boats, let out for hire as well as for the better distinguishing and identifying such Boats and Catamarans as have been registered and licenced, it is hereby enacted, that so often as any Registry is made, the said Master Attendant shall cause the number in the same to be cut or branded in the most common native characters, in some part or parts of every such Boat and Catamaran, and if the Owner or Owners of any such Boat shall neglect or refuse to keep painted, cut or branded any figure hereinbefore required to be painted, cut or branded, on any such Boat or Catamaran, in a fair and legible condition, or if he shall paint, cut or brand the same in a different manner or on a different part of such Boat than is hereinbefore provided, or shall wilfully erase, obliterate or in any way hide or conceal the same, or if the Owner of any such Boat or Catamaran shall knowingly permit any such act to be done, he shall forfeit a sum not exceeding 100 Rupees on conviction before a Justice of the Peace as that Justice shall direct, and if any person not being such Owner shall be guilty of or shall assist in any such incorrect painting, cutting, branding, erasure or concealment, he shall forfeit one moiety of the penalty in this Article imposed.

VI. And it is hereby enacted, that every Boat of the description and dimensions now in use (that is to say) not more than thirty-three feet in length, nine feet in breadth, and four feet four inches in depth, nor less than thirty feet in length, six feet in breadth and three feet six inches in depth, which shall be so licenced and

registered as aforesaid, shall be manned with not less than two Steersmen, eight Rowers and one Baler, and shall, if required, be obliged to carry at one time any number of Passengers not exceeding fifteen, or any quantities of Goods not exceeding the quantity mentioned in the Schedule A. hereunder written; and in case Boats of different construction and dimensions shall be licensed, and registered they shall be manned in such manner and shall be obliged to carry such Passengers or such a quantity of Goods as the Master Attendant shall direct, and shall express in the Licence under the penalty of 50 Rupees.

VII. And it is hereby enacted, that if any Boat be loaded with Passengers or Cargo beyond the number or quantity specified in the Licence granted to such Boat, the Tindal of such Boat shall be liable to a fine not exceeding 5 Rupees on conviction before a Justice of the Peace for every such surplus Passenger and for every Candy weight of such Cargo beyond such specified quantity, and the Owner of such Boat shall be liable to a fine of 50 Rupees on conviction before a Justice of the Peace, for every such surplus Passenger or surplus Candy weight of Cargo. And every person other than the Tindal or Owner who shall be guilty either as principal or accessary of the like offence of overloading any Boat shall be liable to a fine of 10 Rupees on conviction before a Justice of the Peace for every such surplus Passenger or surplus Candy weight of Cargo.

VIII. And it is hereby enacted, that no Boat or Catamaran so licensed shall leave the shore before gunfire in the morning nor after 5 o'clock in the afternoon, nor shall remain alongside any Ship or Vessel after 6 o'clock in the afternoon without leave from the Master Attendant or his Deputy, who shall be at liberty to prevent any Boat or Catamaran from putting off to or from the shore when in his judgment the doing so would be attended with danger, on which occasions the Master Attendant shall hoist at the mast head of his Flag-staff the following Flags, viz.: The white pendant with a red ball under a red and white chequered Flag; and in case any person offend against this Clause he shall be liable on conviction before a Justice of the Peace to forfeit and pay a sum not greater than 30 Rupees.

IX. And it is hereby enacted, that on the 15th day of Decem-

ber in every year the Owners of Boats and Catamarans which shall have been so licensed and registered as aforesaid shall expose them and their Crews on the Beach for the inspection of the Marine Board, and the Master Attendant shall once in every month or oftener, and as often as he may think necessary, require the Owner of the said Boats and Catamarans, or any one or more of them to expose them and their Crews on the Beach for his inspection; and in case any Owner shall neglect or refuse so to expose a Boat or Catamaran belonging to him, and in case, on any Boat or Catamaran being so exposed the Master Attendant shall deem it unseaworthy, or that its Crew is in an inefficient state, he shall suspend the Licence granted in respect thereof until the said Boat or Catamaran shall have been repaired and the Crew rendered efficient to the satisfaction of the Master Attendant—and it is hereby declared, that in case the Owner of any such Boat or Catamaran shall refuse or neglect to make such necessary repairs to the same and to render efficient the Crew thereof, within one month after such inspection, the Licence shall altogether be withdrawn from such Boat.

X. And it is hereby enacted, that Grain shall be landed within the space between the north angle of the Custom House and Clive's Battery, and all other Goods, excepting Timber, shall be landed within the space between the north angle of the Custom House and the south angle of Bentinck's Buildings, and that Timber may be landed any where if the permission of the Collector of Sea Customs be first obtained, and if such permission shall not have been obtained it shall be landed within the space between the north angle of the Custom House and Clive's Battery, and in case any person shall land or be engaged in attempting to land any Goods otherwise than as before directed, every such person shall be liable to pay on conviction before a Justice of the Peace a sum not greater than 100 Rupees as that Justice of the Peace shall determine.

XI. And it is hereby enacted, that all Vessels other than those commonly known as native Vessels or Donies shall anchor in the South Roads, the north angle of the Fort being one point, and the Master Attendant's Flag-staff the other, and all Vessels commonly known as native Vessels or Donies shall anchor in the North Roads, the north angle of the Custom House being the southern, and the Village of Royapooram the northern point, and the Owner of any

Licensed Boat or Catamaran, on holding (except at the request of the Master Attendant) communication with a Vessel which shall be anchored otherwise than as aforesaid, shall on conviction thereof before a Justice of the Peace, be liable to pay a sum not greater than 10 Rupees as such Justice of the Peace shall direct.

XII. And it is hereby enacted, that the Owner or Owners of all Boats and Catamarans kept for the purpose of being commonly let out for hire shall, when the same shall not be engaged in doing actual service for hire, by themselves or their Agents give daily attendance at the Boat Office from 5 A. M. until 6 P. M. so as to be ready to provide upon immediate notice their Boats or Catamarans for service or hire, and that for any neglect in so giving attendance (unless occasioned by sufficient excuse) such Owners shall be punishable by a Justice of the Peace on conviction by a fine not exceeding 10 Rupees.

XIII. And it is hereby enacted, that if any Owner of a Boat or Catamaran so licenced, or any person deputed by him shall demand a rate of hire beyond that which is sanctioned by Schedule B. under the several circumstances and restrictions therein provided for, he shall, on conviction before a Justice of the Peace, forfeit the sum of 10 Rupees, together with the amount of such hire.

XIV. And it is hereby enacted, that if any Owner of a Boat or Catamaran so licenced, "and kept or employed for the purpose of being let out commonly on hire," or any person deputed by him, refusing to let on hire such Boat or Catamaran, for public or private use, and within the hours and in the terms specified in the Schedule B. to this Act, without assigning such cause for his refusal as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence, will, on conviction before a Justice of the Peace, be liable to the penalty of 20 Rupees, and for a second refusal to a fine of 100 Rupees and to the forfeit of his licence.

XV. And it is hereby enacted, that if any Boatman or Boatmen serving in any Boat or Catamaran kept and employed for the purpose of being let out commonly on hire to carry Passengers, Cargo, or Letters, shall by wilful neglect or desertion of his duty, cause any impediment to the service of any such Boat or

Catamaran, he or they shall for the first offence be liable to receive corporal punishment not exceeding three dozen lashes on conviction before a Justice of the Peace, and if life shall have been thereby endangered, or in case of a second offence, he or they shall be committed to hard labour for a term not exceeding six months.

XVI. And it is hereby enacted, that the Owners of Boats and Catamarans, which are kept or employed for the purpose of being commonly let out for hire, shall keep and provide for service during the night, that is to say, from six o'clock in the Afternoon until six o'clock in the Morning at least, ten Boats and four Catamarans with their respective Crews, according to a course of rotation to be specified by the Master Attendant on the 1st day of every current month, and to be notified in writing on some conspicuous part of his Office as regards the particular nights for the attendance of particular Boats and Catamarans, and every Owner of any such Boat or Catamaran who shall fail to provide his Boat or Catamaran, without assigning such excuse for such failure as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence shall, if the Owner of a Boat, on conviction before a Justice of the Peace, be liable to a penalty of 20 Rupees, and for a second offence to the penalty of 50 Rupees, and if the Owner of a Catamaran be liable to the penalty of 5 Rupees and for a second offence to the penalty of 10 Rupees.

XVII. And it is hereby enacted, that every Boat kept and employed for the purpose of being commonly let out for hire as aforesaid, shall be kept well and completely dunnaged and seaworthy, and in default thereof, the Owner or Owners of every such Boat or Boats shall, upon conviction before a Justice of the Peace, forfeit for each instance of neglect the sum of 5 Rupees, and if any Goods or Cargo shall have received injury or damage thereby the sum of 20 Rupees besides and over and above any legal liability to compensate such loss, and if life shall have been endangered thereby, a sum not exceeding 100 Rupees, and also be liable at the discretion of such Justice to have his licence for such Boat revoked.

XVIII. And it is hereby enacted, that if any communication by Boat or Catamaran is held with any Ship or Vessel in the offing, or beyond the limits of the Anchorage before the Master

Attendant's Report Boat or Catamaran has boarded such Ship or Vessel, the Owner of such Boat or Catamaran shall forfeit the sum of 20 Rupees, and if any attempt is made to hold such a communication without the permission of the Master Attendant, he will incur a penalty of 10 Rupees.

XIX. And it is hereby enacted, that it shall be lawful for the Master Attendant or his Deputy, the Collector of Sea Customs or his Deputy, and all Sitting, Magistrates and qualified Justices of the Peace, or such person or persons as he or they shall by warrant under their hands duly authorize for that purpose from time to time to go on board any Boat or Catamaran, and to search all parts of such Boat or Catamaran for prohibited or uncustomed or smuggled Goods, and also to examine into all Packages, Boxes or Baggage of whatever description, within or upon such Boat or Catamaran or landed therefrom, provided such Master Attendant or his Deputy, or other person to be appointed as aforesaid, shall have good reason to suppose that any such Package, Box or Baggage contains any smuggled or prohibited Goods, and they shall likewise have power and authority to search any person or persons on board any such Boat or Catamaran, or who may have landed therefrom, provided such Master Attendant or his Deputy or other person appointed as aforesaid, shall have good reason to suppose that such person or persons hath or have any uncustomed, smuggled or prohibited Goods secreted about his or her persons; provided always that no female shall be searched by any other person than a female duly authorized for that purpose by the Collector of Customs; and it is hereby further enacted, that if any person shall resist to impede any or either of the said parties hereinbefore authorized to go on board, examine and search as hereinbefore provided in the execution of their duty, or in any manner prevent the performance of such duty, every such person shall be liable according to the circumstances of the case and the quality of the party offending, upon conviction before a Justice of the Peace, to fine not exceeding 100 Rupees, or to imprisonment with or without hard labour on the roads or otherwise for a period not exceeding six months, and in case any such offence be committed by any Owner of a Boat or Catamaran such Owner shall likewise forfeit his licence.

XX. And it is hereby enacted, that the Sections III., IV., VII., VIII., IX., and X. of the Rule, Ordinance and Regulation passed by the Governor in Council of Fort St. George, commonly called the Marine Police Regulation, be hereby cancelled and repealed.

XXI. And it is hereby enacted, that the jurisdiction and authority ordained to be exercised by the Master Attendant and Deputy Master Attendant for the time being of the Port of Madras jointly or severally as Justices of the Peace, by virtue of the hereinbefore recited Regulation, shall and may be exercised (as regards such parts of the said Regulations not hereinbefore repealed) by any Justices of the Peace in and for the Presidency of Madras in like manner jointly or severally.

XXII. And it is hereby further enacted, that every person whatever who, either as Owner or Servant, shall use or employ, or be employed in any Boat or Catamaran in the Madras Roads shall be amenable to Sections XI., XII., and XIII. of the above recited Regulation.

XXIII. And it is hereby further enacted, that Section XXXVI. of the above recited Regulation shall hereafter apply to the fixing up at the Offices therein mentioned copies of the same, omitting all other notice of those Sections thereof which are by this Act repealed, save that the same are so repealed.

XXIV. And it is hereby enacted, that all pecuniary forfeitures and penalties had or incurred under or against this Act, shall and may be heard and determined by any Justice of the Peace of the Town of Madras, who is hereby enpowered and authorized to hear and determine the same, and to issue his summons or warrant for bringing the party or parties complained of before him the said Justice, and upon his, her or their appearance or contempt and default to hear the parties, examine witnesses and to give judgment or sentence according as in and by this Act, is directed; and it is hereby further declared that it shall be lawful for any Justice who may have adjudged any pecuniary penalty under the provisions of this Act to award and issue out a warrant or warrants under his or their hands and seals for the paying of such forfeitures and penalties as may be imposed or adjudged upon the Goods and Chattels of the offender, and cause sale to be made of

the same if they shall not be redeemed within six days, rendering to the party the overplus, if any, after deducting the amount of such forfeiture or penalty, and the costs and charges attending the levying thereof, and in case sufficient distress shall not be found, and such forfeitures and penalties shall not be forthwith paid, it shall and may be lawful for the Justice as last aforesaid, and he is hereby authorized and required by warrant or warrants under his hand and seal to cause such offender or offenders to be committed to prison, there to remain for any time not exceeding six months unless such forfeitures and penalties and all reasonable charges shall be sooner paid and satisfied, and that all the said forfeitures when paid and levied shall, after deducting all necessary charges and also a compensation not exceeding one-third to be settled and ascertained by the said Justice before whom the conviction may take place, and to be given to the officer or other persons giving information and prosecuting, to be applied and disposed of according to the directions of the Honorable the Governor in Council.

SCHEDULE A.

SCHEDULE of Articles composing a Boat load.

1. GOODS taken by WEIGHT OF MEASUREMENT.

These Articles are computed at 2 tons to a boat load.

ARTICLES.	Packages.	Fair weather.	Foul weather or high surf	REMARKS.
Benjamin	boxes	25	20	small
	bundles	60		
	chests	12	......	half
Biscuits	bags	30		
Boat Oars	No.	100		
Boots and Shoes	cases	8	6	small.
		6	4	large.
Butts	No.	3	2	
Broad Cloth	bales	8	6	large.
		10	8	middling.
		12	10	small.
Button	cases	6	4	
Beef	tierces	8		
	hogshead	6		
Carriage	No.	1		
Cotton screwed	bales	8	......	of 300 lbs.
		10	......	250 „
		12	......	150 „
Ditto loose	bags	16		
Codjoor Nuts	bundles	10	3	

SCHEDULE A.—*Continued.*

Articles.	Packages.	Fairweather.	Foul weather or high surf	Remarks.
Cocoanuts	No.	1000	......	with husk
		1500	......	without ditto.
	bags	25	......	small.
		20	......	large.
Chests	No.	4	3	12 dozen.
Ditto half	No.	8	6	6 ditto.
Canvas	bales	4	3	20 bolts each.
Clothing	bales	8	6	3 corges each.
		10	8	2 do. do.
		12	10	1 do. do.
Cheacoy	bundles	20	15	
Chillies	ditto	20	15	
Choya Root	ditto	6	......	large.
		8	......	small.
Cochineal	boxes	12	10	
Cinnamon	bags	35	30	
Camphire	boxes	12		
Cloves	bags	40	......	80 lb. weight each bag.
Curry Stuff Seeds	bags	25	20	Ramiapatam bags.
Dates	bags	35	25	when from Bombay.
Ditto	tons	2	1½	when the packages are [various.
Drugs	bags	12	10	
Eating Leaves	bundles	40		
Flour	casks	8	6	
Grain, Ramiapatam	bags	20	......	shipping.
		25	......	landing.
Grain, Bengal	bags	25	......	shipping.
		30	25	landing.
Glass Ware	chests	6	......	whole.
		12	......	half.
Gunny	bundles	6	......	large.
		12	......	small.
Gun Powder	barrels	25	......	100 lbs. each.
		30	......	60 do. do.
Gallingale	bundles	25		
Gin	cases	30		
Gun Carriage	No.	1	......	complete with wheels from 3 to 24 pounders.
Ginger Dry	bags	30		
Hay	bales	8	6	
Horns	No.	1000		
Hogsheads	No.	6	4	
Hams	No.	120		
Indigo	chests	8	......	whole.
		12	......	half.
Leaguers	No.	2		
Nankeen	boxes	20		
Nuts	bags	30		
Pickle, Europe	boxes	30	20	
Palanquin	No.	1		
Piece Goods	bales	6	......	large 3 and } bales for China.
		8	......	small 4 } bales for China.
Pumpkins	No.	100	......	large.
		250	......	small.

SCHEDULE A.—*Continued.*

Articles.	Packages.	Fair weather.	Foul weather or high surf	Remarks.
Puncheons..........	No. ..	4	3	
Pipes....	No. ..	3	2	
Ditto half...	No. ..	6	4	
Pork......	tierces ..	8		
	casks ..	8	6	
Pepper....	bags ..	35	25	
Rafts — Artees..	No. ..	12	10	large.
		20	......	small.
Rafts — Bindoo Plank	No. ..	25		
Rafts — Chittagong do.	No. ..	25	20	
Rafts — Duggies......	No. ..	1	......	large } shipping.
		2	......	small } shipping.
		8	......	large } landing.
		12	......	small } landing.
Rafts — Mango do.....	No.	20	......	landing.
		10	......	shipping.
Rafts — Shimbeams ..	No. ..	20	......	landing.
		8	......	shipping.
Rafts — Spars	No. ..	1	......	large.
		4	......	small.
Rattans........	No. ..	250	......	100 in a bundle.
		500	......	50 in do.
Reapers....	No. ..	60	.... .	10 in do.
Saddlery............	cases. ..	8	6	
Shark's Fins	bundles ..	3		
Sheathing Boards....	No. ..	100	......	double.
		150	......	single.
Soap Nut....	bags ..	30		
Spices of all sorts....	bags ..	10	......	large.
		20	......	small,
Stationery......	cases ..	6	4	
Staves..............	packs ..	20		
Stick Lac...... ..	bags ..	30		
	bundles ..	40		
Sugar.......	casks ..	4		
Ditto......	lumps ..	50	......	large.
		70	......	small.
Ditto of Batavia.. ..	canisters..	6		
Ditto of Bengal......	bags ..	20		
Ditto ditto........	chests ..	6		
Ditto China....	small packages	40		
Sugar Candy	tubs	25		
Ditto ditto..........	½ do. ..	50		
Tents........	setts .	6	......	private two-poled tents.
Tamarind..	bags ..	15		
Ditto Bengal	bags ..	20		
Thread.............	bundles ..	7	6	
Tobacco........	bags ..	30		

II. DEAD WEIGHT.

Computed at 1½ ton per Boat load.

Articles.	Packages.	Fair weather.	Foul weather or high surf	Remarks.
Anchor..........	No. ..	1	......	of 12 cwt. small anchors and grapnels in like proportion.
Arms..........	chest ..	12	......	12 muskets each.
Black Wood	candies..	6	......	shipping.
		7	......	landing
Copper Sheet......	chests ..	6	4	
	cases ..	4	3	
	slabs ..	100	80	large.
Guns, Iron or Brass..	No. ..	3	......	3 pounders.
		2	......	4 or 6 ditto.
		1	......	9 ditto.
Japan..........	chests ..	10	8	
Metals of all kinds....	tons ..	1½		
Nails..........	tons ..	1½		
Red Lead..........	tons .	1½		
Red Wood..........	tons ..	1½		
Sandal Wood........	tons ..	1½		
Salt..........	bags ..	25		
Saltpetre..........	bags ..	25		
Shells..........	No. ..	20	......	13 inches.
		100	......	10 or 8 do.
		250	......	5½ do.
		300	......	4½ do.
Shot..........	No. ..	150	......	24 pounders.
		200	......	18 do.
		300	......	12 do.
		400	......	9 do.
		500	......	6 do.
Treasure..........	boxes ..	6	4	

III. MISCELLANEOUS ARTICLES.

Bullocks..........	No. ..	2		
Coals..........	tons ..	2	1½	
Cow and Calf........	No. ..	1		
Fire Wood: Ramiapatam ..	500 ..	......	......	large.
	1000 ..	......	......	small.
Fire Wood: Candarungum ..	600			
Fire Wood: Checurucottah ..	2000			
Fire Wood: Alumbarary	2000			
Fire Wood: Kistnapatam ...	1000			
Fire Wood: Alepanum......	150			
Fire Wood: Cuddalore......	1500			
Fire Wood: Acheedandoo	2000			
Fire Wood: Rangoon	2000			
Ghee and Oil........	dubbers ..	25		
Horse..........	No. .	1		
Linseed Oil	jars ..	20		
Loose Oakum........	whatever quantity can be stowed conveniently.			
Pecul wgts. of all kinds	peculs ..	30	25	
Pigs..........	No. ..	15		
Ponies..........	No. ..	2		

III. MISCELLANEOUS ARTICLES.—*Continued.*

Articles.	Packages.	Fair weather.	Foul weather or high surf	Remarks.
Poultry	baskets, any quantity that can be stowed conveniently.			
Sand, Ballast	tons	2	1½	
Seed Cocoanut	No.	200		
Sheep	No.	30		
Tar	barrels	8	6	
Tarpaulin	No.	30		

The Number of Passengers composing a Boat load.

Europeans	12 persons.
Natives	15 „

N. B.—Two Children are to be considered equal to one grown up *person.*

SCHEDULE B.

Maximum Rate of Boat and Catamaran Hire.

Accommodation Boats.		Rs.	A.	P.
Ordinary Trip South or North Road,	per trip	3	8	0
Extra hire in and beyond 9 fathoms,	ditto	1	8	0
Foul Weather Trip,	ditto	6	0	0
Transhipment,	ditto	1	0	0

Common Boats.		South Road.			North Road.		
Ordinary Trip,	per trip	1	8	0	0	15	0
Ballast ditto,	ditto	1	10	0	1	0	0
Ballast in and beyond 9 fathoms,	ditto	2	10	0	2	0	0
Return Trip,	ditto	0	12	6	0	8	0
Return Trip in and beyond 9 fathoms,	ditto	1	8	0	0	15	0
Water Ordinary Trip,	ditto	3	8	0	3	0	0
Water in and beyond 9 fathoms,	ditto	4	3	0	3	2	6
Trip in and beyond 9 fathoms,	ditto	2	12	0	2	2	0
Transhipment,	ditto	0	15	0	0	15	0
Transhipment in & beyond 9 fathoms,	ditto	1	14	3	1	14	3
Foul, in and beyond 9 fathoms,	ditto	4	3	0	3	2	6

Small Catamaran.		Rs.	A.	P.
Ordinary Trip South or North Road,	per trip	0	5	0
Foul Weather, or in or beyond 9 fathoms,	ditto	0	10	0
Catamaran for rafting Timber,	per day	1	0	0
Large Cattamaran Hire.				
For Landing or Shipping an Europe Cable of 13 to 16 Inches,		18	12	0
For ditto of 17 to 22 Inches,		28	8	0
For Shipping Chain Cables,	per trip	18	12	0
For ditto an Anchor from 14 to 29 Cwt.		18	12	0
For ditto an Anchor from 30 to 50 Cwt.		28	12	0
For making a rope fast to an Anchor under 12 Cwt.		10	0	0
For ditto ditto above 12 and under 20 Cwt.		20	0	0
For ditto ditto above 20 Cwt.		35	0	0

	Rs.	A.	P.
Tarpaulin.			
Per Trip, ...	0	4	0
Water Casks.			
Per Trip (4 Casks.)...	0	9	5

Extra Hire in addition to the Regulated Charges for Boats and Catamarans.	Accommodation Boot			Common Boat.			Catamaran.		
South Road trips between 6 and 8 P. M.,..	1	12	0	0	12	0	0	2	6
North Road trips ditto ditto,.......... ..	1	12	0	0	7	6	0	2	6
South Road trips between 8 P. M. and 5 A. M.,........	3	8	0	1	8	0	0	5	0
North Road trips ditto ditto,..	3	8	0	0	15	0	0	5	0
Boats or Catamarans detained alongside for every three hours during the day or night,........	3	8	0	1	8	0	0	5	0
Boats or Catamarans employed between the Commissariat Granary and Parry and Co.'s Office,..........	0	14	0	0	6	0	0	1	3
Ditto between Parry and Co.'s and the Tunnel,.....	1	12	0	0	12	0	0	2	6
Ditto between the Tunnel and the Sea Gate,..	2	5	4	1	0	0	0	3	4
Ditto between the Sea Gate and the Marine Villa,......	4	10	8	2	0	0	0	6	8
Ditto between Marine Villa and Adyar,..	7	0	0	3	0	0	0	10	0
Ditto North of Royapooram,..	1	12	0	0	9	6	0	2	6
Ditto Trivatoor and Ennore,..	10	8	0	3	9	0	0	15	0
Beyond the limits of the Anchorage, ..	1	8	0	1	8	0	0	5	0
Boats employed on Sundays,..	1	8	0	0	9	0	0	2	0

N. B. The ordinary period within which Boats and Catamarans shall be let on hire, shall be between Sunrise and Sunset.

BOMBAY AND COLABA.—LICENCES.

ACT No. V. OF 1842.

Passed on the 29th of July, 1842.

1. *The Governor in Council may fix the amount of tax to be paid for Liquor Licence.*

2. *Licences may be recalled or withheld if the tax is not duly paid. Penalties for vending Liquors without a licence.*

An Act concerning payment on account of Licences for the sale of Spirits in the Islands of Bombay and Colaba.

I. It is hereby enacted, that whenever a Licence to retail Spirituous Liquors in the Islands of Bombay and Colaba shall be granted under the Provisions of Act XVIII. of 1840, the Officers grant-

ing such Licences shall be authorized to demand such Fee, Tax, or Duty in consideration of the privilege granted as may from time to time be fixed by such Officers under the sanction of the Governor of Bombay in Council. And such Fee, Tax, or Duty may be made payable in advance, or at such period as may be settled under such Authority as aforesaid.

II. And it is hereby enacted, that it shall be lawful for the Officers granting such Licences to withhold or recall the same in case the Fee, Tax, or Duty aforesaid be not duly paid according to the conditions upon which any such Licence shall be granted. And any person vending Spirituous Liquors within the Islands aforesaid whilst such Licence shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending Spirituous Liquors without a Licence.

BOMBAY.—TERRITORIAL.

ACT No. VI OF 1842.

Passed on the 5th August, 1842.

Repeals Regulation 29, 1827, and Regulation 7, 1830, as to specified villages, and subjects other specified villages to the Acts, &c. in force in the Presidency of Bombay.

An Act for annexing to the British Territory certain villages belonging to the late Nepanee Jagheer, and acquisitions by exchange from the Sattara state, and for bringing under the Regulations an Inam Village of Purgunnah Yelloor.

Whereas the Villages lately composing the Nepanee Jagheer have lapsed to Government, and it has been deemed desirable, in order to the better consolidation and management of the British and Sattara Territories, to exchange certain villages for mutual convenience, and whereas the Village of Deshoor, in Pergunna Yelloor, though held in Inam under the British Government, has not yet been brought under the Regulations.

It is hereby enacted, that from the time of passing this Act so much of Regulation XXIX. of 1827, and Regulation VII. of 1830, as relates to the undermentioned seven villages, viz.

Jaleehall, Purgunna Honwar.

Teengnee Beedree, Purgunna Ghota.

Hongunhullee, } Purgunna Moolwad.
Karjol,...... }

Oopuldinee, Purgunna Mokumudapoor.

Allasundeh Prant Ragul.

Boblad, Purgunna Burdole.

And so much of Act VIII. of 1839, as relates to the undermentioned four villages.

Kusba Ashta, Kuryat Ashta,...... } Prant Meeruj,
and Sumdolee, and Kuryat Sanglee, }

Moje Koondul,.... } Turuf Valwe Prant Punnala,
and Maje Ponudee }

shall be rescinded; and that the following villages shall be subject to all Acts and Regulations which are or shall be in force within the territories subject to the Presidency of Bombay.

Nineteen Villages of Purgunna Neergoondee.

1 Kusba Neergoondee	10 Moje Eettgee
2 Moje Hebbal	11 Ditto Rajnal
3 Ditto Keersal	12 Ditto Bidnal
4 Ditto Abbihal	13 Ditto Korganoor
5 Ditto Yelgoor	14 Ditto Aldinnee
6 Ditto Kasinkoontee	15 Ditto Gonal
7 Ditto Boodihal	16 Ditto Katapoor
8 Ditto Musootee	17 Ditto Dewlapoor
9 Ditto Mooddapoor	18 Ditto Murikuttee

19 Moje Neerulbhavee

Twelve Villages of Purgunna Chandkowte.

1 Kusba Chandkowte	7 Moje Daberee
2 Moje Chutterkee	8 Ditto Eetunhullee
3 Ditto Roogee	9 Ditto Gugunhullee
4 Ditto Moolsawulgee	10 Ditto Solapoor
5 Ditto Aheree	11 Ditto Hunchinol
6 Ditto Jumbgee	12 Ditto Kurulwar

Seven Villages of Purgunna Ooklee.

1 Moje Donoor	2 Moje Neginhal

3 Moje Moollal
4 Ditto Kuggoor
5 Moje Hurgullee
6 Ditto Hurginhal
7 Moje Honutgee

Seven Villages of Purgunna Nuldroog.

1 Moje Kesurzuwulgee
2 Ditto Moostee
3 Ditto Suljgur
4 Moje Arlee
5 Ditto Kalegaon
6 Ditto Ebhrampoor
7 Moje Kakrumb

Five Isolated Villages.

1 Moje Pooluz, Purgunna Mohul
2 Ditto Hurulgee, Purgunna Kulboorga
3 Ditto Hottgee, Purgunna Ahirwaree
4 Moje Awrad, Purgunna Mundroop
5 Moje Moogulee, Purgunna Maindurgee.

Twenty-four Villages of Purgunna Hortee.

1 Kusba Hortee
2 Moje Koloorgee
3 Ditto Domnal
4 Ditto Kunchinal
5 Ditto Muknapoor
6 Ditto Boblad
7 Ditto Hudulsung
8 Ditto Nimbal Boodrook
9 Ditto Nimbal Khoord,
10 Ditto Kunnal.
11 Ditto Bumunhullee
12 Ditto Agusnal
13 Moje Busnal
14 Ditto Sawulsung
15 Ditto Hulgoonkee
16 Ditto Goondwan
17 Ditto Sonkunhullee
18 Ditto Koorgee
19 Ditto Morusnal
20 Ditto Deginal
21 Ditto Goonkee
22 Ditto Turgoondee
23 Ditto Kottnal
24 Ditto Kupnimburgee

Twenty-eight Villages of Purgunna Hulsungee.

1 Kusba Hulsungee
2 Moje Yelgee
3 Ditto Turiwaree
4 Ditto Aijnal
5 Ditto Bhairungee
6 Ditto Boodihal
7 Ditto Keroor
8 Ditto Chunegaon
9 Ditto Anjotgee
10 Moje Dhoolkhur
11 Ditto Purnoor
12 Ditto Bewnoor
13 Ditto Chorgee
14 Ditto Munn Ankulgee
15 Ditto Mahnhullee
16 Ditto Murgoor
17 Ditto Chouryal
18 Ditto Hingne

19 Moje Burgoondee
20 Ditto Ahersung
21 Ditto Mailar
22 Ditto Seergoor
23 Ditto Anchee
24 Moje Nundral
25 Ditto Seernal
26 Ditto Lonee Khoord
27 Ditto Bulolee
28 Ditto Jhulkee

Twenty-four Villages of Purgunna Bagewaree.

1 Moje Moottgee
2 Ditto Engleshwur
3 Ditto Salwargee
4 Ditto Heepurgee
5 Ditto Dindwar
6 Ditto Rubnal
7 Ditto Deginal
8 Ditto Tukulkee
9 Ditto Oottnal
10 Ditto Munoor
11 Ditto Hullihal
12 Ditto Kuribuntnal
13 Moje Hoonshal
14 Ditto Hoolbenchee
15 Ditto Hunchinal
16 Ditto Agusbal
17 Ditto Ewungee
18 Ditto Kamunkeree
19 Ditto Boodihal
20 Ditto Ooppuldinee
21 Ditto Nursungee
22 Ditto Nagoor
23 Ditto Ambulnoor
24 Ditto Sunknal

Thirteen Villages of Purgunna Annigeree.

1 Kusba Annigeree
2 Moje Hullikeree
3 Ditto Saswihullee
4 Ditto Kondikopp
5 Ditto Bussapoor
6 Ditto Bhudrapoor
7 Moje Untoor
8 Ditto Saidapoor
9 Ditto Munjegood
10 Ditto Kawulwar
11 Ditto Hullihal
12 Ditto Bunnoor
13 Moje Nagnoor

Fifteen Villages of Purgunna Uthnee.

1 Kusba Uthnee
2 Moje Azor or Yemmihal
3 Ditto Siroor
4 Ditto Nagnoor
5 Ditto Jumbgee
6 Ditto Sewnoor
7 Ditto Mullabad
8 Moje Bewnoor
9 Ditto Yekunchee
10 Ditto Burchee
11 Ditto Koulgood
12 Ditto Sinal
13 Ditto Musurgooppee
14 Ditto Hunmapoor
15 Moje Kirugeree

Sixteen Villages of Purgunna Honwar.

1	Kusba Honwar	9	Moje Uluginhal
2	Moje Kukmuree	10	Ditto Babanuggur
3	Ditto Bijjurgee	11	Thana Telsung
4	Ditto Kotulgee	12	Moje Urtal
5	Ditto Kohullee	13	Ditto Bunnoor
6	Ditto Yellihudulgee	14	Ditto Kunnal
7	Ditto Bargee	15	Ditto Halhullee
8	Ditto Aigullee	16	Ditto Kunmura

Six Villages of Purgunna Gureekokutnoor.

1	Kusba Gureekokutnoor	4	Moje Junwar
2	Moje Suttee	5	Ditto Bulwar
3	Ditto Dodwar	6	Ditto Korganoor

Fifteen Villages of Purgunna Gulgullee.

1	Kusba Gulgullee	8	Moje Hunchinal Boodrook
2	Moje Amuljhuree	9	Ditto Chowrapoor
3	Ditto Kaloor	10	Ditto Boodnee
4	Ditto Yerhullee	11	Ditto Bulwalmottee
5	Ditto Rubkuvvee	12	Ditto Boodihal
6	Ditto Gunnee	13	Ditto Goolbal
7	Ditto Hunchinal Khoord	14	Ditto Bisnal

15 Moje Moondugnoor

The following Nine Isolated Villages.

1 Moje Hipurgee, Purgunna Jumkhundee
2 Ditto Nipanee, } Kuryat Latt
3 Ditto Seergoopee, } Kuryat Latt
4 Ditto Belkhor, Kuryat Kubboor
5 Ditto Mudunbhavee, Kuryat Naysurgee
6 Seergaon, dependant on the fort of Heeree Gundhurvgurh
7 Bhiwsee, Prant Kagul
8 Moochundee, Purgunna Jutt
9 Deshoor, Purgunna Yelloor

BENGAL.-COSTS OF TRANSLATIONS.

ACT No. VII. OF 1842.

Passed on the 19th of August, 1842.

Repeals Section 5, *of Regulation* 19, 1797, *and Regulation* 4, *of* 1803.

An Act for repealing certain provisions of the Bengal Code regarding translations.

Whereas the rules regarding the rate of payment for translations of proceedings and other documents for the use of the Civil Courts, fixed by Section 5 Regulation XIX. 1797, and Section 33 Regulation IV. 1803, of the Bengal Code, require amendment.

It is hereby enacted, that Section 5 Regulation XIX. 1797, and Section 33 Regulation IV. 1803, be repealed.

MADRAS AND BOMBAY.

ACT No. VIII. OF 1842.

Passed on the 2d of September, 1842.

Extends the powers vested in S. D. A. by Acts No. 19 *and* 20, 1841, *to the Courts of highest Jurisdiction in Presidencies of Madras and Bombay.*

An Act for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest jurisdiction in the respective Presidencies.

It is hereby declared and enacted, that the powers vested in the Court of Sudder Dewanny Adawlut by Acts No. XIX. of 1841 and No. XX. of 1841, shall be applicable to the Courts of highest Civil jurisdiction in the Madras and Bombay Presidencies respectively, and that, in future Acts generally applicable to all the Preidencies, the terms "Sudder Court" shall be deemed applicable to the Courts respectively of the highest Civil and Criminal jurisdiction, as the case may be, of all the Presidencies.

ENGLISH CONVEYANCES.

ACT No. IX. OF 1842.

[*Passed on the 2nd September*, 1842.

1. *Extends to Territories of the E. I. Co. statute 4 and 5 Vic. 21 for rendering a release as effectual as a lease and release.*
2. *Recital of a lease for a year shall be conclusive evidence of it.*
3. *Interprets the word "Freehold."*

An Act for extending the statute Ch. XXI. 4th and 5th of Queen Victoria in certain cases to the Territories of the East India Company.

I. It is hereby enacted, that the statute Ch. XXI. of the 4th and 5th years of the reign of Queen Victoria, entitled " An Act for rendering a release as effectual for the conveyance of Freehold estates as a Lease and Release by the same parties," shall be extended to the Territories of the East India Company from the 1st day of October next; provided always that this Act shall not be construed to affect any case which would not have been governed by the law of England before the passing of the aforesaid statute, if this Act had not passed, and provided, that every deed or instrument of release taking effect under this Act shall be expressed to be made in pursuance thereof; and it shall not be nesessary that it be expressed to be made in pursuance of the Statute aforesaid.

An Act for rendering a Release as effectual for the conveyance of Freehold estates as Lease and Release by the same parties.

(18th May, 1841.)

" Whereas it is expedient to lessen the expense of conveying Freehold Estates." Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present parliament assembled, and by the authority of the same, that every deed or Instrument of Release of a Freehold estate, or Deed or Instrument purporting or intending to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the 15th day of May, 1841, [and shall be expressed to be made in pursuance of this Act,] shall be as effectual for the the purposes therein

expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing party or parties who shall have executed the same had also executed in due form a Deed or Instrument of Bargain and Sale or Lease for a year for giving effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a year shall be executed ; provided that every such Deed or Instrument so taking effect under this Act shall be chargeable with the same amount of Stamp Duty as any Bargain and Sale or Lease for a year would have been chargeable with (except progressive duty) if executed to give effect to such deed or instrument, in addition to the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise under any Act or Acts relating to Stamp Duties.

II. "And whereas many Deeds or Instruments of Bargain and Sale or Leases for a year, to give effect to Deeds or Instruments of Release of Freehold Estates heretofore executed, have been lost or mislaid ;" be it enacted, that where, in or by any Deed or Instrument of Release of Freehold Estates executed before the 15th day of May, 1841, any Deed or Instrument of Bargain and Sale, or Lease for a year for giving effect to such Deed or Instrument of Release shall be recited, or by any mention thereof in such Deed or Instrument of release appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive evidence of the Deed or Instrument of Bargain and Sale or Lease for a year so recited or mentioned having been made and executed ; and such Deed or Instrument of Release shall also have the like effect as if the same had been executed after the 15th day of May, 1841, whether such Deed or Instrument of Bargain and Sale or Lease for a year shall or shall not have been lost or mislaid, or may or may not be produced : provided always, that this Act shall not prejudice or affect any proceeding at Law or in Equity pending at the time of the passing of this Act, in which the validity of any Bargain and Sale or Lease for a year shall be in question between the party claiming under such Bargain and Sale or Lease for a year and the party claiming adversely thereto, and such Bargain and Sale or Lease for a year, if the result of such proceedings shall invalidate the same, shall not be rendered valid by the Act.

III. And be it enacted, that in the construction of this Act the word "Freehold" shall have not only its usual signification, but shall extend to all Lands and Hereditaments for the conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a year, as well as a Release, would have been used.

MUNICIPAL.

ACT No. X. OF 1842.

Passed on the 14th of October, 1842.

1. *At the desire of two-thirds in number of the householders of any town the Local Government may grant the privileges created by this Act.*

2. *The Government may authorize such inhabitants to be a Committee for purposes specified.*

3. *The Committee may make assessments to the extent of five per cent. on yearly value, &c. make contracts, appoint servants, &c. Committee not to be personally liable in contracts, but to be liable for misapplication of monies, &c.*

4. *Local Government may prescribe rules for the proper security of the funds collected, may remove Members, and appoint to vacancies not filled up by remaining Members.*

5. *Committee on 30th April to render account to Local Government of receipts and expenditure.*

6. *Rate may be levied under Act 2, 1839, on application of Committee.*

7. *Rate not to be invalidated by defect of form: rate sufficient if it identifies the property; needs not specify name of owner: any property on premises to be liable to seizure.*

8. *Local Government may at all times dissolve Committee, and appoint persons to inquire into conduct of Committee.*

An Act for enabling the inhabitants of any place of public resort or residence under the presidency of Fort William, not within the Town of Calcutta, to make bettter provision for purposes connected with public health and convenience.

I. It is hereby enacted, that if it shall appear to either of the Government of the Presidency of Fort William, that two-thirds in number of the house-holders of any town, suburb, settlement or place of public resort and residence within that Presidency are desirous of making better provision for the repairing, cleansing, lighting, draining or watching of any public streets, roads, drains or tanks, or any like local purpose, it shall be lawful for the local

Government to which such place as above described is subject to authorize the same in manner following.

II. And it is hereby enacted, that the local government, upon any application made to it for the purpose by or on the part of the house-holders aforesaid, may, at its discretion, authorise the persons whose names shall be presented or so many of them as may be thought proper, being inhabitants of the place as above described, to be a Committee for the purpose of effecting the local objects specified in the application.

III. And it is hereby enacted, that any such Committee may make such assessments and at such rates as may be necessary for effecting the object aforesaid, and may make all necessary contracts and appoint such servants as may be required with reasonable salaries. Provided always that no rate exceeding the amount of five per cent. on the rent or yearly value of the premises within the place as above described, or more than one rate in any year shall be raised without the express sanction of the Local Government. Provided also that no Member of any such Committee shall be personally liable in respect of any contract entered into by such Committee on behalf of the inhabitants of any place as above described. Provided that the said Committee and every Member thereof shall be liable for the misapplication of all monies collected, and the same shall be recoverable in a civil action as the money and at the suit of the Local Government.

IV. And it is hereby enacted, that the Local Government shall in every case prescribe such rules for every Committee as may appear necessary for the proper security of the funds collected from the inhabitants. And shall have the power of removing any Member of every such Committee on its appearing to such Government that the security or efficiency of the trust is in danger of being impaired. And in case of no person being named by the remaining Members of the Committee to the satisfaction of the Local Government to act upon such Committee in place of the person removed within one month, the Local Government may appoint a member of the Committee in the place of the person removed.

V. And it is hereby enacted, that every such Committee shall on the 30th day of April, in every year, or oftener if required by the Local Government, render to the Local Government an account of

all sums received and expended in the preceding year, in such form and with such vouchers as the Local Government may from time to time require.

VI. And it is hereby enacted, that upon the application of such Committee to any Magistrate or Justice of the Peace, such Magistrate or Justice is required to exercise the same powers for levying the rate which may be due from any defaulters as are specified in Act II. of 1839.

VII. And it is hereby enacted, that no rate shall be invalidated for defect of form, and it shall be sufficient if in any such rate as aforesaid, or any assessment for the purposes of such rate the property assessed shall be sufficiently identified, and it shall not be necessary to specify the name of the owner or occupier thereof. And all property found at any time upon the premises rated shall be liable to be seized and sold under Warrant from a Magistrate or Justice of the Peace for the payment of the rate.

VIII. And it is hereby further enacted, that it shall be competent at all times to the Local Government to dissolve any such Committee, and to appoint any person or persons to inquire into and report upon the conduct of such Committee or of any Members thereof in the execution of their Trusts, and such person or persons so appointed shall have power to send for persons, papers and records, and to compel the attendance or delivery of the same and to examine Witnesses upon Oath.

FOREIGN SUGAR.

ACT No. XI. OF 1842.

[Passed on the 1st of October 1842.

Extends Acts No. 32, 1836, and No. 15, 1839, to Foreign Sugar imported otherwise than as is therein mentioned.

An Act for amending and explaining the Law concerning the importation of Foreign Sugar.

It is hereby enacted and declared, that the prohibition and penalties contained in Acts No. XXXII. of 1836, and XV. of 1839, against the landing or attempting to land in any part of the

Territories subject to the presidency of Fort William in Bengal, or the presidency of Fort St. George, of any Foreign Sugar, or any Sugar which is the growth of any British possession into which Foreign Sugar can be legally imported, shall apply and be deemed to apply to such sugar otherwise imported into any part of the Territories subject to the said presidencies.

MILITARY BAZARS.

ACT No. XII. OF 1842.

[*Passed on the 28th of October*, 1842.

1. *Persons residing within the limits of any Military cantonment, &c. not to recover in a Military Court of Requests, unless registered as a Military Bazarman.*

2. *Extends Acts* 11, *and* 28, 1841, *to all persons serving with the army, receiving public pay, menial servants and other camp followers.*

An Act for the better regulation of Military Bazars, and defining the liabilities of camp followers.

I. It is hereby enacted, that no person residing within the limits of any Military cantonment and carrying on trade therein, or who shall have been a trader at any Military cantonment, shall be allowed to recover in any Military Court of Requests for the Native Troops of the East India Company, held within any such Cantonment, any debt contracted in the way of trade, or for the loan of money within any such Cantonment, by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall at any time of contracting thereof have been registered as a Military Bazarman within any such Cantonment.

II. And it is hereby declared, that all persons serving with any part of the army and receiving public pay in any capacity, menial servants, and other camp followers of every description, shall be subject to the provisions of Acts No. II of 1841, and No. XXVIII. of 1841, in like manner as enlisted soldiers.

BOMBAY.—REVENUE.

ACT No. XIII. OF 1842.

Passed on the 28th October, 1842.

1. and 2. The Governor in Council may grant to any Jageerdar, &c. and other holder of lands the Revenue of which has been alienated to him by the State, a Commission in the form given in Schedule A. authorizing him to collect such revenue, which (2) shall be liable to be withdrawn at pleasure.

3. 4. and 5. The holder of Commission may demand security for payment of the Revenue, and may take same precautions as the Collector under Section 11, Regulation 17, 1827, and (4) may send Mohussuls on Land, &c. and (5) may attach the property of defaulters, &c.

6. All compulsory process shall cease on defaulter's giving security to institute a suit to try the demand, &c. Holder of Commission proceeding with compulsory process after security has been given, shall forfeit treble the Revenue sought to be recovered.

7. The enforcement of any demand against Jageerdar for Revenue exceeding the amount due in specified manner shall be deemed extortion, &c. This Act not to prevent the holder of alienated Lands, &c. from instituting a suit for the re-assessment of the Revenue.

8. Powers given by this Act to extend to the enforcement of payment of the Revenue of the current season and next preceding season only.

An Act to enable the holders of Revenue, which has been alienated to them by the State, to collect that Revenue within the Presidency of Bombay.

I. Whereas it is expedient to authorize the grant by the Governor in Council of Bombay, at his discretion, of Commissions to certain Jageerdars, and others by virtue of which such persons shall possess increased powers for collecting the Revenue due to them;

It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, to grant to any Jageerdar, Surinjamdar, Inamdar, or other person holding Lands or Villages, the Revenue of which has been alienated to him by the State, a Commission conferring upon him authority for the collection of such Revenue by the powers hereinafter mentioned, or such of them as shall be specified in the Commission in addition to the powers now exercisable by law.

II. And it is hereby enacted, that such Commission, which

shall be drawn out according to the form of the annexed Schedule A. shall be granted or withheld, and, when granted, shall be liable to be withdrawn at the pleasure of Government, and that it may, if the Governor in Council of Bombay see fit, be issued to one or more Agents of such holder of alienated Revenue as well as to the holder in person.

III. And it is hereby enacted that the holder of such Commission shall have authority to demand security for the payment of the Revenue, in respect of the Lands or Villages specified in the Commission, and if the same be not furnished, to take such precaution as the Collector is authorized to take under Section XI. Regulation XVII. of 1827, Bombay Code.

IV. And it is hereby enacted, that the holder of such Commission shall have authority, to send Mohussuls on Defaulters under provisions of Clauses 2, 3, and 5, Section XII. Regulation XVII. of 1827, Bombay Code, provided that one foot Mohussul only be employed in each case, and that the Mohussullee shall cease on the enforcement of any other remedy for the collection of the Revenue, except the taking of such security as aforesaid.

V. And it is hereby enacted, that the holder of any such Commission shall be authorized to attach the property of persons making default in the payment of such Revenue as aforesaid, making an immediate report to the Collector or his Assistant of his having done so, and should the demand on account of which the attachment may be made appear to the Collector or his Assistant to be just, he shall give orders for the sale of such property, and the sale shall be conducted agreeably to the Provisions of Clause 7, Section XII. Regulation XVII. of 1827, Bombay Code, except in cases in which the holder of the Commission by whom the attachment has been made shall be a Jageerdar, Surinjamdar or Inamdar, vested by Regulation XIII. of 1830, with Civil jurisdiction and with power to execute his own decrees or his Agents, when the sale shall be conducted by him, and not by the Collector and his subordinate Revenue Officers.

VI. And it is hereby enacted, that all compulsory process under this Act shall cease on the alleged defaulter furnishing security to the holder of the Commission or to the Collector or Assistant Col-

lector of the District, to institute a suit within 15 days in a competent Court for the purpose of trying the demand, and to pay the amount which may be decreed against him with costs and interest in such Court, provided that such suits in which any one of the privileged classes established by Regulation XXIX. of 1827, Sections 3 and 4, and by Regulation VII. of 1830, Bombay Code, may be the defendant, shall be tried before the Collector and his Assistants, anything in Regulations I. and XVI. of 1831, notwithstanding. And any holder of any such Commission as aforesaid, by himself or his Agents proceeding with any compulsory process under this Act after the furnishing of such security as aforesaid, or after the due tender thereof shall forfeit three times the amount of the Revenue sought to be recovered by such compulsory process.

VII. And it is hereby enacted, that if the Revenue or rent payable to a Jageerdar to other holder of Government alienated lands or villages shall have been fixed by a Government Officer before the grant of the Land in free tenure, or if the rent or Revenue tendered by any Ryot or other person be at the usual rate payable according to the Custom of the Village and Pergunna as declared by the Koolkurnee, and other Local Officers of Revenue, the enforcement of a demand by any holder of a Commission under this Act of an excess of rent or Revenue beyond the amount due as above provided, shall be deemed to be extortion, and the person against whom such demand shall have been enforced shall obtain upon any judgment being passed after regular or summary trial three times the amount of any such excessive demand as damages for the same. Provided, however, that nothing herein prescribed or contained shall prevent a holder of alienated Lands or Villages from instituting a suit in any Court of competent jurisdiction for the purpose of establishing his claim to re-assess the Lands or re-settle the Revenue of any Ryot or other who may be paying less than the full jumma to which he is justly liable, and upon such holder obtaining a decree adjudging to him such power the demand made by him under such decree, shall, if conformable thereto, be deemed a legal demand for arrears, and shall be leviable by the same process as is above provided for other arrears due.

VIII. And it is hereby enacted, that the power conferred by such Commission shall extend to the enforcement of the payment

of the Revenue of the current season and of the season next immediately preceding, and not to that of former years.

SCHEDULE A.

Form of Commission to be issued to a holder of alienated Revenue or his Agent for enabling him to recover such Revenue.

(Seal.)

The Governor in Council of Bombay, by virtue of the powers vested in him by Act No. XIII. of 1842, is pleased to confer on your (Jageerdar, &c. or Agent, &c. as the case may be) power to realize all Revenue demands due to you (or to your principal) from the Villages and Lands specified in this Commission in the manner prescribed in (or in Section ——— of) this Act.

The Villages and Lands over which the power thus conferred upon you extend are as follows.

(Here enter the description,)

The within delegated power is vested in you during the pleasure and subject to the recall of the said Governor in Council.

Signed ———

BOMBAY AND COLABA.—NUISANCES.

ACT No. XIV. OF 1842.

[*Passed on the 25th November, 1842.*

1. *Prohibits the throwing or depositing, &c. any offensive matter, &c. on any open ground contiguous to public thoroughfare.*

2. *Owner of open ground contiguous to public thoroughfare shall enclose the same when ordered by Petty Sessions, or in default Petty Sessions may do it, at the expence of Municipal Fund, and defaulter liable to penalty not exceeding twice the amount expended.*

3. *The Petty Sessions may order proper drains, &c. for the conveyance of wastage, &c. from houses, &c. to be made by owners of such houses, or in default Petty Sessions may make them at expence of Municipal Fund, but owner to be liable to penalty not exceeding twice the amount expended.*

4. *Owner of house having privy upon the premises shall have such privy shut out of view by fence, &c.*

5. *Every privy, sink, drain, &c. shall be kept clean by owner of house, &c.*

6. *No person shall throw or deposit filth, &c. on the roof of any building,*

or suspend therefrom any article so as to project, &c. nor bathe himself, nor wash any animal, &c. in any of the public tanks, &c. Governor in Council may by proclamation declare what are public tanks, &c. and which may be used to wash linen.

7. *Petty Sessions may require any person keeping a public brothel, &c. in any of the more public roads, to shut off the same, &c.*

8. *No person to keep a Coffee Shop, &c. other than a licenced Tavern, without licence from Petty Sessions.*

9. *Offences against this Act shall be summarily enquired into and decided by Petty Sessions. Offences for which no penalty is specified shall be punished by fine not exceeding 200 Rupees.*

10. *Fines under this Act to be paid to the use of the Municipal Fund.*

An Act for giving greater facility in the abatement and prosecution of Nuisances in and throughout the Towns and Islands of Bombay and Colaba.

I. It is hereby enacted, that no person shall throw, or deposit, or cause to be thrown or deposited any offensive matter or thing whatever on any open space of ground contiguous to any public thoroughfare on the Islands of Bombay or Colaba.

II. It is hereby enacted, that the owner or occupier of every such open space shall on a written order from the Court of Petty Sessions for such purpose forthwith enclose the same with a fence or wall, and in default thereof for the space of ten days the said Court shall cause such enclosure to be made, and the expense thereof shall be defrayed by the Municipal Fund, and the said owner or occupier shall be liable to a penalty not exceeding twice the amount so expended.

III. And it is hereby enacted, that it shall be lawful for the said Court of Petty Sessions to order and direct, that proper and suitable drains or gutters for the conveyence of wastage, water, filth and other offensive matter proceeding from the houses or premises of any of the inhabitants or occupiers thereof, shall be made and built by the Owners of such houses in such manner as the said Court of Petty Sessions shall direct, and upon such Owners failing so to do, and also to keep the same in repair, for the space of ten days after notice to that effect shall have been given by the said Court, the said Court may cause such drains or gutters to be built or repaired, and the expense thereof shall be defrayed out of the Municipal Fund, and the said Owners shall be liable to a penalty

not exceeding twice the amount of such expense, provided always that a default in the making or repairing such drains or gutters has created or is likely to create a public nuisance.

IV. And it is hereby enacted, that the Owner or Occupier of any house or tenement having a privy erected upon his premises shall have such privy shut out by a sufficient wall or fence from the view of persons passing by.

V. And it is hereby enacted, that every privy, sink, drain, water course, compound, yard, lane or passage adjoining or belonging to any house or premises shall be kept clean by the Owners or Occupiers thereof, so that the same shall not become a public nuisance.

VI. And it is hereby enacted, that no person shall throw or deposit any filth or rubbish on the roof, or weather boards of any buildings, or suspend therefrom any article whatever so as to project over any street or public thoroughfare. Nor shall any person bathe himself or wash any animal or clothes, or throw any offensive matter, or thing whatever in or into any of the public tanks or wells, and the Governor in Council is hereby empowered from time to time by Proclamation to declare what tanks or wells shall be deemed public and also which of such public tanks or wells may be used for the purpose of bathing and washing linen therein.

VII. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions to require any person, Owner or Tenant, keeping a public brothel or lodging-houses for Prostitutes, or disorderly characters of any description in any of the more public roads or streets of Bombay and Colaba, to shut up the same or to remove such tenants from the premises, and on his failing to do so within the time specified in a notice to be given to him to that effect, he shall be deemed to have offended against the provisions of this Act.

VIII. And it is hereby enacted, that no person shall keep a Coffee Shop, Eating House, or any place of public resort, other than a legally licensed Tavern or Spirit Shop, without the permission or licence of the Court of Petty Sessions, which Court is hereby empowered to grant such permission or licence in writing, and which may be revoked by the said Court on good and sufficient cause.

IX. And it is hereby enacted, that all offences agaist this Act shall be summarily inquired into and decided by the Court of Petty

Sessions, and every offence for which there is not a special penalty shall be punished by a fine not exceeding two hundred Rupees.

X. And it is hereby enacted, that all fines imposed under this Act shall be paid into the General Treasury for the benefit of the Municipal Fund.

EMIGRATION ACT.

ACT No. XV. OF 1842.

[*Passed on the 2d December*, 1842.

1. *Recites the order of Her Majesty in Council prescribing Rules to be observed at Mauritius. Schedule of Rules.* (1.) *The Governor of Mauritius may nominate Emigration Agents at any places, &c. in India and a Protector of Emigrants at Mauritius.* (2.) *Agents not to be paid in proportion to number of Emigrants, but by salary.* (3.) *Duties to be performed by Emigration Agent towards Emigrants.* (4.) *No more than one person for every two Tons of the Registered burthen to be shipped in any ship, &c.* (5.) *Two Children under ten years of age to be computed as equal to one person only.* (6.) *What provisions shall be shipped on board of Emigrant vessels.* (8.) *The Agent for Emigrants shall survey, &c. the provisions, &c. before the Ship is cleared out, &c. and ascertain that the Ship is reputed seaworthy, &c.* (9.) *The Master of Ship bringing Emigrants to Mauritius shall provide a sufficient quantity of good provisions, &c.* (10.) *Two copies of these Regulations to be delivered to the Master by the Emigrant Agent, &c.* (11.) *The Master of Emigrant Ship shall deliver to the Emigrant Agent at place of destination, a list specifying names, &c. of all the Emigrants on board, &c. and a counterpart to the Protector of Immigrants. Protector to proceed on board, &c. and ascertain whether these directions have been complied with. Protector of Immigrants to muster the Emigrants, &c. and note deaths, &c.* (12.) *Protector if satisfied that Regulations have been complied with, to grant a Certificate.* (13.) *No money to be paid by Colonial Treasures in respect of Emigrants, except on Warrant of Governor and Certificate.* (14.) *Protector of Immigrants to keep a Register of persons in respect of whom such Certificate is granted, &c.* (15.) *A penalty of Five Pounds per head payable for every Passenger to Mauritius exceeding the allowed proportion, and the like penalty for infraction of specified Regulations.* (16.) *Saves the Emigrant's or other person's right of action for breach of contract.* (17.) *Regulations not to extend to Ships in service of the Admiralty nor to Her Majesty's Ships of War.* (18.) *Emigrant not to enter into any contract of service in Mauritius until he has been 48 hours on shore.* (19.) *Emigrant not to be liable in Mauritius to any action for debt contracted before his arrival.* (20.) *Emigrant to be capable of making contract for service only according to the Law in force as to other labourers.* (21.) *No payment to be made from the*

Treasury of the Island, unless on proof that the laws in force in India for the protection of Emigrants have been complied with. (22.) *Interpretation Clause.*

Repeals Act 14, 1839, *as to Emigration from Calcutta Madras and Bombay.*

2. *Emigrant laborers, native inhabitants of territories of East India Company, shall be allowed to Emigrate to Mauritius from Calcutta, Madras and Bombay only under provisions of this Act.*

3. *The Government at each of those ports shall appoint an Emigration agent, who shall make monthly reports to Government.*

4. *It shall not be lawful to convey Emigrants to Mauritius without a Licence. Master of Emigrant ship to be bound in* 10,000 *Rupees to conform to this Act, &c. Conveying Emigrants without a licence shall be a misdemeanor, &c.*

5. *No Emigrant to be received on board unless he has a Certificate, &c.*

6. *Before any Emigrant Ship is cleared out, the Master must obtain from the Emigration Agent a Certificate to the effect specified.*

7. *Probable lengths of Voyage to Mauritius to be calculated at the specified times of the year as specified.*

8. *Master of Emigrant Ship shall deliver to Emigration Agent such list as is specified in Regulation* 11 *of Her Majesty in Council.*

9. *and* 10. *Master clearing out without complying with provisions of this Act shall be liable to penalty of* 200 *Rupees, and* (10) *to penalty of* 500 *Rupees for offence specified in this Section.*

11. *If Certificate obtained by Master shall become inapplicable by any act fraudulently done, &c. by him, he shall be liable to penalty of* 5000 *Rupees, besides incurring a forfeiture of his Bond.*

12. *Officers of Customs, and Pilots may, for prevention of the illegal embarkation of Emigrants, exercise the same powers as for prevention of smuggling.*

13. *Persons attempting by means of intoxication, &c. to export any Native contrary to this Act shall be liable to a fine not exceeding* 500 *Rupees, or imprisonment not exceeding six months.*

14. *The Customs Officer on board an Emigrant Ship shall countersign the Pass, &c. of every Emigrant, and keep a Register of Emigrants on board, &c. and perform other specified duties, and be liable to a fine of* 500 *Rupees, commutable to six months imprisonment, if he wilfully makes a false, &c. report of the Emigrants on board of any ship.*

15. *Any person forging any document, &c. required by this Act, may be imprisoned not exceeding seven years.*

16. *Penalties under this Act may be enforced against Masters of Ships before any Justices of Peace at the instace of Emigration Agent, &c.*

An Act for regulating the Emigration of the native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius.

I. Whereas it hath been ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, as follows:

At the Court at Windsor,
The 15th of January, 1842.

Present,

The Queen's Most Excellent Majesty.
His Royal Highness Prince Albert.

Lord President.	Lord Stanley.
Lord Privy Seal.	Lord Fitzgerald and Vesci.
Lord Steward.	Sir Robert Peel, Bt.
Lord Chamberlain.	Mr. Chancellor of the Exchequer,
Earl of Jersey.	Sir James Graham, Bt.
Earl of Ripon.	Sir Edward Katchbull, Bt.

Whereas it is probable that the laws now in force in British India for preventing the emigration of the inhabitants thereof to Her Majesty's Colonial Possessions will be shortly repealed, so far as regards emigration to the Island of Mauritius, and that such last mentioned emigration will be sanctioned by Laws to be for that purpose enacted in India, subject to various provisions to be in such Laws made for the protection of such Emigrants, and for the prevention of abuses. And whereas it is probable that amongst the provisions so to be made, as last aforesaid, will be a provision for enabling the Governor General of India to appoint at ports or places in India, Officers charged with the care, protection and superintendence of all persons proposing to emigrate as Labourers from India to Mauritius. And whereas it is probable that provision will be made by Law at Mauritius for defraying from the public Revenue of that Island the expense of introducing emigration thither from British India. And whereas it is necessary that effectual provision should be made by Law at Mauritius for regulating any such expenditure, and for the prevention of abuses in the introduction of Emigrants from British India into that Island. It is therefore hereby ordered, by the Queen's Most Excellent Majesty, by and with advice of her Majesty's Privy Council, that in the event of any Law being made in British India, authorizing the emigration to Mauritius of the Natives of India, and repealing the restrictions now in force there in regard to such emigrations, and

in the event of any such Laws containing provisions enabling the Governor General of India to appoint at the several ports of embarkation in India, Officers charged with the protection of persons emigrating from such ports to Mauritius, the various Rules and Regulations comprized, and set forth in the Schedule to this present order subjoined, shall, within the Island of Mauritius, have the force and effect of Law, and shall be observed and carried into effect by all Her Majesty's Officers, Civil and Military, in Mauritius, and by all Her Majesty's subjects within the same Island as to them may rsepectively appertain .

And the Right Hon'ble Lord Stanley, one of Her Majesty's Principal Secretaries of State, is to give the necessary instructions herein accordingly.

(Signed) C. GREVILLE.

The Schedule referred to in the preceding order, comprising the Rules and Regulations to be observed at Mauritius in regard to emigrants from British India, resorting to and arriving at that Island.

1st. The Governor of Mauritius may from time to time nominate such persons as he shall see fit to act as Emigration Agents at any port or place in India, which the Governor General of India may designate as a port or place for the embarkation of Emigrants to Mauritius, and may also from time to time nominate a proper person to Act as Protector of Immigrants at Mauritius.

2d. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent to Mauritius by him, but shall be in the nature of an annual salary.

3d. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the port or place for which such Agent shall be appointed, that such Emigrant has not been induced to emigrate by any fraud, false nor unreasonable expectation, and is aware of the distance of Mauritius from the place where he or she is about to emigrate; and such Agent shall explain the real advantages likely to be derived by such Emigrants from a removal to Mauritius, and at the same sime cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and

not incapacitated from labour by old age, bodily infirmity, or disease.

4th. It shall not be lawful to Ship on board of any Ship or Vessel carrying Emigrants from India to Mauritius, any number of Passengers exceeding the proportion of one person for every two Tons of the Registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants, and having more than one Deck, shall have less than the height of six feet at the least between Decks, and in case such Ship or Vessel shall have only one Deck, a Platform shall be laid beneath such Deck, and in such manner as to afford a space of the height of six feet at the least, and that such Platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and that no such Ship or Vessel shall carry Passengers on any such Voyage to Mauritius unless there shall be an interval of six inches at least between the Deck Platform, and the floor of the lower tier throughout the whole extent thereof; and whatever may be the Tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower Deck or Platform, unoccupied by goods or stores, not being the personal luggage of such person.

5th. In the computation of the number of Passengers within the meaning of these Regulations, two children under the age of ten years, shall be considered as equal to and shall be reckoned as one person only.

6th. There shall be actually laden and on board of every Ship or Vessel bringing Emigrants into Mauritius at the time of departure of such Ship or Vessel from the port or place at which such Labourers shall be embarked good and wholesome Provisions for the use and consumption of the said Passengers over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the computed Voyage for every passenger on board such Ship or Vessel, such water being carried in Tanks or Sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread Stuffs, to the amount of seven pounds weight to

every week of the computed Voyage for every such Passenger; Provided always that when any such Ship or Vessel shall be destined to call at a port or place in the course of her Voyage for the purpose of filling up her water Casks, a supply of water at the rate before mentioned for every week of an average Voyage to such port or place of calling shall be deemed to be a compliance with this Regulation. And provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case where it shall be made to appear, that, by the special authority of the Governor General of India, any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7th. The number of weeks which shall be deemed necessary for the Voyage to Mauritius from any port or ports in India, shall be such as shall from time to time be determined by any Law or Ordinance to be promulgated for that purpose by the Governor General of India in Council, and according to any such Law or Ordinance shall and may be further determined whether at different periods of the year different estimations are to be made of the probable length of any such Voyage, and if by any such Law or Ordinance the removal of Emigrants should during any particular period of the year be prohibited altogether, then any such removal during such prohibited period shall in Mauritius be regarded, dealt with and punished as an infringement of these present Regulations.

8th. Before any such Ship or Vessel shall be cleared out, on any such voyage, the Agent appointed under this Ordinance for the port or place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed seaworthy, and that the directions hereinbefore contained for insuring the health and safety of the Passengers have been complied with, and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

9th. The Master of every Ship or Vessel bringing Emigrants to Mauritius shall be bound to provide for and furnish to every such Emigrant and his wife and children a sufficient quantity of good and wholesome provisions, for his, her and their daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such Ship or Vessel in Mauritius.

10th. Two Copies of these Regulations, authenticated by the signature of the Agent at the port or place from which such Emigrants shall come, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at resonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

11th. The Master of every Ship or Vessel carrying Emigrants from India to Mauritius, shall, before clearing out such Ship or Vessel, deliver to such Agent at the port or place from which such Vessel shall be cleared out, a list in writing, together with a duplicate of the same specifying as accurately as may be the names, ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at Mauritius, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Immigrants hereinbefore mentioned. And such Protector of Immigrants shall forthwith proceed on board of such Ship or Vessel and shall ascertain as far as possible by personal inspection of the Ship or Vessel and Passengers whether the directions hereinbefore contained with regard to the situation of the berth of such Ship or Vessel, the proportion of the Passengers to the burthens and measurements of such Ship or Vessel, and the maintenance of the Emigrants during such passage have been complied with, and such Protector of Immigrants shall personally muster such Emigrants and compare the number and names of such Emigrants with the said counterparts of such lists, and shall certify in writing under his hand upon such counterpart the total number of Emigrants

then living and being on board of such Vessel, and in case any such Emigrant shall have died during the passage, or the number of names of the Emigrants shall differ from the number of names stated in such counterpart, the Protector of Immigrants shall note such death or difference upon such counterpart, and thereupon shall grant a Licence under his hand for the disembarkation and landing of such Emigrants.

12th. If the Protector of Immigrants, on such personal inspection of the Ship or Vessel and Emigrants, shall be satisfied that the preceding Regulations have been complied with, he shall grant a Certificate under his hand of the arrival in Mauritius of such Emigrants respectively and the place from which and the Ship or Vessel in which such Emigrants shall have arrived.

13th. No money shall be payable by the Colonial Treasurer of Mauritius in respect of any such Emigrants as aforesaid except on the Warrant of the Governor of that Island, which Warrant shall not be issued except on such Certificate as aforesaid of the said Protector of Immigrants.

14th. The Protector of Immigrants shall keep a Register of all persons in respect of whom any such Certificate as aforesaid shall be granted, and of the Ship or Vessel in which, the port from which, and the time at which such person shall have arrived in this Colony, a copy of which Registry shall be laid before the Council of Government on the 31st day of March, the 30th of June, the 30th day of September, and the 31st of December in each year.

15th. If any Ship or Vessel bringing Immigrants from India to Mauritius shall carry any number of Passengers exceeding the proportion authorized and allowed by these Regulations, a Penalty of Five Pounds per head shall be payable in respect of each Passenger so carried in excess of such proportion, or if such Ship or Vessel shall not be of the height between Decks herembefore required, or if such a Platform as hereinbefore directed shall not be laid and continued throughout the whole duration of any such voyage in such manner as is hereinbefore required: or if there shall be more than two tiers of berths, or if there shall not be throughout the whole duration of any such voyage, such an interval as is hereinbefore prescribed between the Deck and the Floor of the lower tier of berths, or if any such Ship or Vessel shall clear

out, and put to sea not having on board such water and Provisions as aforesaid for the use and consumption of the Passengers, of the kind and to the amount and in the proportion hereinbefore directed; or if any such Ship or Vessel shall be cleared out before such lists of Emigrants shall have been delivered in manner and form aforesaid, or if any such lists shall be wilfully false, or if the copy of these Regulations be not produced as hereinbefore required, or if any Emigrant shall not be maintained during such voyage, and for 48 hours after his arrival; the Master of any such Ship or Vessel shall, for and in respect of each and every such offence, be liable on summary conviction before any Stipendiary Magistrate, at any time within the space of 12 calendar months next after the arrival of such Master within the Colony of Mauritius, to the payment of a fine not less than £5, nor more than £20 British Sterling, and in default of payment of the fine above mentioned either immediately, or at the time fixed by such Stipendiary Magistrate at the time of making such conviction, to imprisonment for any time not less than one or more than three calendar months.

16th. Provided nevertheless that nothing herein contained shall take away or abridge any right of suit or action which may accrue to any Emigrant in any such ship or vessel, or to any other person in respect of the breach or non-performance of any contract made or entered into between, or on the behalf of any such Emigrant or other person, and the Master, Owner or Owners of any such ship or vessel.

17th. Provided always that nothing in these Regulations contained shall apply to any ship or vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's ships of war.

18th. No Emigrant arriving from India at Mauritius shall be capable of entering into any contract of service to be performed in that Island, until he shall have been at least 48 hours on shore there, and every such contract of service made before that time shall be null and void to all intents and purposes.

19th. No Emigrant arriving from India at Mauritius, and engaging to labour in that Island shall within Mauritius be liable to any action, suit or demand, for or in respect of any debt contracted, or any contract made by such Emigrant before his arrival in the said Island.

20th. No Emigrant arriving from India at Mauritius, shall in Mauritius be capable of entering into any contract for service except for the period in the manner and under the superintendence which by a Law in force there is required in the case of contracts for service made by other Labourers in Agriculture or Manufactures within the said Island.

21st. No payment shall be made from the Treasury of the said Island in respect of any Emigrants introduced there from India, unless on proof, to the satisfaction of the Governor of Mauritius, that all Rules and Regulations which may be established by Law in India, for the advantage and protection of such Emigrants have been duly complied with, such Rules and Regulations not being repugnant to any thing in these Regulations contained.

22d. In every case in which the Penalties hereby denounced against offences are imposed by the use of the words in the masculine gender or in the singular person, such words shall be understood as extending to the feminine gender also, and to any number of persons unless when the opposite construction is required in order to meet the object and to accomplish the ends with a view to which these Regulations are established and made.

(Signed) C. Greville.

In conformity with which said order, and for the purpose of giving effect thereto, it is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the emigration of Natives from the Ports of Calcutta, Madras, and Bombay respectively, to the Mauritius, shall be repealed from the day when the Governor General of India in Council, or, in his absence, the President in Council shall notify in the Gazette that it hath been duly certified to him that such Regulations have been provided, and that such measures have been taken by the Government of Mauritius as he may deem necessary for the protection of Emigrant Laborers from India on their passage to the Mauritius, and during their residence there, and for their safe return at the expiration of five years, or any subsequent period, should they be desirous of returning to India; Provided always that the aforesaid Act No. XIV. of 1839, shall remain in full force in all the ports of India except the ports aforesaid, and in regard to Emigrants from India proceeding to other places than the Mauritius.

II. And it is hereby enacted, that after this Act shall come into operation, Emigrant Laborers being Native Inhabitants of the Territories under the Government of the East India Company, shall be allowed to pass and to be conveyed from India to the Mauritius from the Ports of Calcutta, Madras and Bombay respectively, in compliance with the provisions hereinafter mentioned, but not otherwise.

III. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated to authorize the persons nominated by the Government of Mauritius, under the order hereinbefore inserted, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act. And every such Emigration Agent shall make monthly reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purposé of laboring for hire in the Colony of Mauritius from either of the Ports aforesaid, in any ship or vessel, unless a Licence be obtained for carrying Emigrants in such ship or vessel from the Government of the Presidency in which the Port is situated. A fee not exceeding one Rupee per Emigrant, as may be regulated from time to time by the Local Government, shall be demandable in respect of every such Licence, which fee shall be carried to the credit of the said Government, and the granting or withholding any such Licence shall be entirely discretionary with the Government, and in consideration of such Licence the Master of every ship conveying or destined to convey Emigrants from India shall execute a Bond, binding himself and his Owners in a penal sum of 10,000 Rupees to conform to the several conditions hereunder provided, and the said Bond shall be executed in duplicate that it may be put in suit either at the place of execution or in the Colony of Mauritius, and one copy shall be forwarded to the Government of Mauritius to be dealt with as the case may require. And every ship or vessel in which any such Emigrant shall be conveyed without a Licence being obtained as aforeshall be liable to be forfeited, and the Master thereof shall be liable

as for a misdemeanor in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

V. And it is hereby enacted, that it shall not be lawful for the Master of any vessel licenced as above to receive on board any Emigrant Laborer as above provided, unless such Laborer shall have in his possession and show a Certificate or Pass to be given to him by the Emigration Agent of the Port, stating his name and the name of his father and his age, and certifying that having appeared before such Agent he has declared his willingness and desire to proceed to work for hire in the said Colony of Mauritius.

VI. And it is hereby enacted, that before any ship or vessel so licenced to carry Emigrant Laborers as above provided, shall be cleared out from any of the aforesaid Ports for the Mauritius, it shall be necessary for the Master of such ship or vessel, provided any Emigrant of the description aforesaid shall embark therein, to obtain from the Emigration Agent so nominated and authorized at such Port as aforesaid, a Certificate under the hand of such Agent to the effect following, that is to say—

1. That such Agent has, by personal communication, done what is required on the part of such Agent by the third Article of the Schedule hereinbefore inserted; provided always that every Agent shall make the inquiry specified in such Schedule, in an open Court or public Office, to which all persous shall have admission.

2. That all the directions contained in the 4th, 5th, 6th, and 8th Articles of the Schedule hereinbefore inserted for ensuring the health and safety of Passengers have been duly complied with.

3. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor General in Council, or in his absence, the President in Council shall from time to time frame touching the medical attendance and medical stores to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VII. And it is hereby enacted, that with reference to article 7 of the Schedule hereinbefore inserted, the probable lengths of a Voyage to the Mauritius from the respective ports aforesaid, shall, for the purposes of this Act be deemed to be for the port of Calcutta,

Between the months of April and October inclusive, ten weeks.

Between the months of November and March inclusive, eight weeks.

For the port of Madras, between the months of April and October inclusive, seven weeks, and between the months of November and March inclusive, five weeks.

For the Port of Bombay, between the months of April to September inclusive; five weeks, and between the months of October to March inclusive, six weeks.

VIII. And it is hereby enacted, that before any Ship or Vessel shall be cleared out from any of the aforesaid ports for the Mauritius, it shall be necessary for the Master thereof to deliver to the Emigration Agent so nominated and authorised at such port as aforesaid the list specified in Article 11 of the Schedule hereinbefore inserted, and to obtain such duplicate thereof as is required by the said article.

IX. And it is hereby enacted, that if the Master of any Ship or Vessel shall at any of the ports aforesaid take on board such Ship or Vessel any Emigrant Laborer of the description aforesaid, and shall clear such Ship or Vessel for the Mauritius without having fully complied with every particular hereinbefore required previous to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, in a penalty of 200 Rs. for every Emigrant Laborer so taken on board his Ship or Vessel.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall, after having cleared such Ship or Vessel at any such port as aforesaid for the Mauritius, take on board any such Emigrant Laborer as aforesaid without having entered such Emigrant Laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant, prior to clearance, he shall be liable, on conviction, before any Magistrate or Justice of the Peace, in a penalty not exceeding 500 Rs. for every Emigrant so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for the Mauritius as aforesaid shall, after having obtained such Certificate as aforesaid, fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable to the altered state of the Ship or Vessel, its Passen-

gers, or other matters to which such Certificate relates, such Master shall be liable on conviction, in any penalty not exceeding 5,000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any Licence obtained for the Vessel as originally described.

XII. And it is hereby enacted, for the greater security against Emigrant Laborers embarked for the Mauritius contrary to the provisions of this Act, that all the powers vested by law in the Officers of Customs, in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels bound for the Mauritius, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIII. And it is hereby enacted, that every person who shall attempt by means of intoxication, or by false imprisonment, or other means of crimping to export any native on board any Ship or Vessel contrary to the provisions of this Act, shall be liable to be punished before a Magistrate in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

XIV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for the Mauritius with Emigrant Laborers duly embarked thereon, the Customs Officer on board such Vessel shall countersign the Pass or Certificate brought on board by every such Emigrant Laborer, and shall keep a Register of every such Emigrant Laborer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads, and shall not come away until a muster of the Crew and Passengers has been made in his presence and in that of the Pilot in charge of the Vessel; and after the Customs Officer has taken muster, and quitted the Vessel, the Pilot shall continue to exercise the duties indicated in Section XII. of this Act. And

it shall be lawful for him, if he shall deem it necessary, to require the Master or Commander to take a general Muster of the Crew and Passengers and Emigrant Laborers on board and to sign a Muster Roll so taken. And every such Custom House Officer and Pilot shall make a complete report of the Emigrant Laborers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration, that, to the best of the Declarant's belief, no additional Coolies have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act, and every such report, or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete report of the Emigrant Laborers on board of any Ship, or who shall connive at the unauthorized embarkation of any such Emigrant Laborers, shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XV. And it is hereby enacted, that if any person shall forge, or shall use knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

XVI. And it is hereby enacted, that all the several penalties to which Masters of Ships or Vessels are liable by this Act shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent, or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the licence granted to the Ship.

BENGAL.—LEASES.

ACT No. XVI. OF 1842.

[*Passed on the* 16*th of December,* 1842.

Modifies Sections 2, *and* 3, *Regulation* 14, 1812.

Leases granted by Zemindars, &c. for a longer term than their own engagements with government to be null and void only for the excess.

An Act concerning the terms of Leases granted by Zemindars and Proprietors.

It is hereby enacted, in modification of Section II. and III. Regulation XIV. of 1812, of the Bengal Code, that Zemindars or other Proprietors of Land may grant leases, or fix the rent of any land tenure, for any period not exceeding the terms of their own respective engagements with Government. Provided always, that in case any lease shall be granted, or the rent of the land be fixed for any longer period, the lease or engagement fixing the rent shall be null and void only for the excess beyond such terms respectively.

BOMBAY.—REVENUE.

ACT No. XVII. OF 1842.

[*Passed on the* 16*th of December,* 1842.

1. *Repeals part* 8, *Regulation* 5, *of* 1830.
2. *One or more Revenue Commissioner to be appointed for the whole of Bombay.*
3. *Each Revenue Commissioners may have as many Deputies, &c. as the Governor in Council may deem expedient.*

An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.

I. It is hereby enacted, that so much of Regulation V. of 1830, of the Bombay Code, as provides that one Revenue Commissioner shall be appointed for the Territory subordinate to Bombay, and that the Southern Maharatta Country shall be excluded from his jurisdiction, is repealed.

II. And it is hereby enacted, that one or more Revenue Commissioners shall be appointed for the whole of the Territory com-

posing the Presidency of Bombay, each of whom shall be vested with all the powers possessed by the single Revenue Commissioner, under Regulation V. of 1830, and shall be empowered to act within the Presidency of Bombay, or over such portion as the Governor in Council of Bombay may, from time to time, prescribe by an Order published in the Gazette.

III. And it is hereby enacted, that each Revenue Commissioner shall have such number of Deputies and Assistants, as the Governor in Council may deem it expedient to appoint.

BOMBAY.—REVENUE.

ACT No. XVIII. OF 1842.

[*Passed on the 23d of December,* 1842.

1. *Revenue Commissioner or Assistant may exercise the same powers as the Collector and Magistrate touching the Revenue except passing sentence of punishment.*

2. *Revenue Commissioner or Assistant, or Collector, or Assistant, or Sub-collector, may delegate to a native the above powers, provided they are such as might be exercised by a District Police Officer. Proceedings of delegates to be sent to superior.*

3. *Magistrate not to be prevented from acting, where charge is dismissed, or the above powers have not been exercised.*

An Act for facilitating preliminary investigations of criminal cases connected with the collection of the Revenue within the Presidency of Bombay.

I. It is hereby enacted, that it shall be competent for the Revenue Commissioner or his Assistant within the Presidency of Bombay to exercise the same powers as the Collector and Magistrate of any Zillah under that Presidency in all matters touching the collection and management of the Revenue, and the conduct of Revenue Officers in their Official capacities, except that they shall not pass any sentence of punishment; but when the preliminary inquiries are concluded, shall, if the charge be not dismissed, forward the accused to the Magistrate for trial or for committal according to the nature of the case.

II. And it is hereby enacted, that a Revenue Commissioner or

his Assistant, or a Collector of Land Revenue or his Assistant, or a Sub-Collector, may, by writing order, delegate in any case, to any native servant regularly employed on their respective Establishments not being of an inferior grade to a Karcoon, any of the above powers of preliminary investigation, provided they be the same as are exercised by District Officers of Police under the Regulations. And the proceedings under this Act of all such servants shall be sent to the delegating authority for revision, and after such revision, if the charge be not dismissed, the case shall be forwarded to the Magistrate as aforesaid.

III. And it is hereby provided, that nothing in this Act contained shall prevent any Magistrate from making preliminary inquiries and proceeding under the Regulations in all the cases aforesaid, both where the charge has not been investigated under the aforesaid powers, and where it may have been dismissed.

REGISTRATION.

ACT No. I. OF 1843.

[*Passed on the 27th January,* 1843.

Repeals all provisions in any Regulation touching knowledge or notice of unregistered conveyances, &c. Enacts, that unregistered titles shall be void as against any person claiming under subsequent registered title, notwithstanding notice of prior unregistered title. Act not to extend to conveyances made before 1st May 1843.

An Act for amending the Law concerning the Registration of written Conveyances and other instruments affecting Titles and other interests to Land.

Whereas the Registry Laws now in force in the respective Mofussils of Bengal, Madras and Bombay, provide that registered conveyances and other instruments affecting Titles to land and other interests therein shall not take precedence of unregistered conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments. And whereas a complicated system of law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such

cases. And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the Courts has been occupied with such investigations. And whereas in consequence of forgeries, perjuries, fraudulent concealments, and other practices, no person purchasing or advancing money on the Security of Land, can safely rely on the conveyances or other instruments affecting the title to such land or other interest therein affording by means of their being registered, a security against conveyances or instruments being set up, as of previous date, by unregistered claimants :

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Codes, touching such knowledge or notice as aforesaid, of previous unregistered conveyances, or instruments affecting titles to land or other interests therein, shall be repealed from the first day of May next; and every conveyance or other instrument affecting title to land, or any interest in the same authorized by those Codes respectively, to be registered, shall, so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent conveyance or other instrument duly registered, unless the prior conveyance or instrument shall have been duly registered before the registration of the subsequent conveyance or instrument; any alleged notice or knowledge of such prior conveyance or instrument notwithstanding. Provided always that this Act shall not be construed to extend to any conveyance or other instrument made before the first day of May next.

BENGAL APPEALS TO SUDDER DEWANNY ADAWLUT.

ACT No. II. OF 1843.

[*Passed on the* 1*st February,* 1843.

1. *If single Judge of Sudder Dewanny Adawlut, trying an appeal regular or special is of opinion that the decision appealed against ought to be altered or reversed, he shall call in two other Judges to sit with him, and the three shall decide the case and if they agree sign, or the opinion of him who differs shall be recited in, the decree.*

2. *Act not to apply to Summary Appeals, nor appeals in miscellaneous cases, nor to powers of a single Judge under Clause* 2, *Section* 2, *Regulation* 9, 1831.

An Act to regulate the sittings of the Courts of Sudder Dewanny Adawlut.

I. It is hereby enacted, in modification of Section 16, Regulation XXV. 1814, that when single a Judge of the Sudder Dewanny Adawlut, trying a case in Appeal, regular or special, from any Subordinate Court, shall be of opinion that the decision appealed from ought to be reversed or altered, he shall always call in two other Judges of the Court to sit with him, and that the appeal shall be then heard by the three Judges sitting together, and be decided by them without any additional voices. In such cases the decree or final order shall be signed by the three judges, if they agree together; but if one of them dissent from the view taken by the majority, by the two judges who agree together, and the signature of the third judge shall not be considered requisite, but his opinion shall be recited in the decree or final order.

II. Provided, that the above rule shall not be applicable to summary appeals, or to appeals in miscellaneous cases, nor shall it be held to interfere with the powers of a single judge of the Sudder Dewanny Adawlut, under Clause 2, Section 2, Regulation IX. 1831.

SPECIAL APPEALS.

ACT No. III. OF 1843.

[*Passed on the* 1st *February*, 1843.

1. *Special Appeals shall lie to the Sudder Dewanny Adawlut at Calcutta and Allahabad, the Sudder Adawlut at Madras and Sudder Dewanny Adawlut at Bombay from all decisions passed in regular appeals in Civil Courts Subordinate to them.*

2, 3 *and* 4. *Applications for Special Appeals must be presented in same time as for regular appeals: and* (3) *be accompanied by copies of the decrees previously passed, and* (4) *be heard by single judge, who may call for any document of record, &c.*

5. *If judge deems a Special Appeal admissible, he shall order accordingly, and reduce in the form of a Certificate the points to be determined to writing in English, which shall be translated into the vernacular language used by the Court, and the appeal shall be brought on in due course.*

6. *Judge's order rejecting a Petition for special appeal shall be final.*

7. *Upon special appeal, the Sudder Dewanny Adawlut shall determine the points certified and no other part of the case.*

8. *If special ground of appeal has been incorrectly certified, the Court may amend the Certificate, but such amendment shall relate only to points originally certified, &c.*

9. *Saves existing laws as to special appeals, so far as they are not inconsistent with this Act.*

10. *Act not to affect pending appeals, &c.*

An Act for amending the Rules of Special Appeals.

I. It is hereby enacted, that from and after the 1st day of May next, a Special Appeal shall lie to the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad respectively, to the Court of Sudder Adawlut at Madras, and to the Court of Sudder Dewanny Adawlut at Bombay, from all decisions passed on regular Appeals in the Civil Courts subordinate to them respectively, which shall appear to be inconsistent with some law, or usage having the force of law, or some practice of the Courts, or shall involve some question of law, usage, or practice, upon which there may be reasonable doubts.

II. And it is hereby enacted, that applications for Special Appeals shall not be admitted unless they are presented to the proper Court as aforesaid within the period limited for the presentation of regular Appeals.

III. And it is hereby enacted, that every application for a Special Appeal shall be accompanied by copies of the several decrees previously passed on the case.

IV. And it is hereby enacted, that every application for a Special Appeal duly presented to the proper Court as aforesaid shall be heard by a single judge of the Court in the presence of the special Appellant, or his Vakeel, or Agent, and it shall be competent to the judge at his discretion, to call for and peruse any document forming a part of the record of the cause, and to summon the opposite party to answer the application.

V. And it is hereby enacted, that if it shall appear to the judge that a special appeal is admissible under this Act, he shall pass an order accordingly, and shall at the same time reduce the points to be determined to writing in English in the form of a Certificate,

which shall be translated into the vernacular language in use in the Court, and the Special Appeal shall then be brought on the file of the Court to be heard and determined in due course. Provided that it shall not be necessary to call for or refer to any part of the proceedings the reading of which is not required for deciding the point or points of law stated in the Certificate.

VI. And it is hereby enacted, that if it shall appear to the judge that a Special Appeal is not admissible under this Act, he shall reject the petition, and his order so rejecting a petition for a Special Appeal shall be final.

VII. And it is hereby enacted, that in every case of Special Appeal admitted as aforesaid, the Court of Sudder Dewanny Adawlut shall determine the point or points, certified as above enacted, and no other point or part of the case whatever.

VIII. Provided that when the special ground of Appeal may have been incorrectly or incompletely certified, it shall be competent to the Court to amend the Certificate. Provided that such amendment shall relate only to the point or points originally stated in the Certificate, and it shall not be lawful for the Court to receive or add any new point or points.

IX. And it is hereby declared, that the existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay relating to Special Appeals, shall continue in force so far as they are not inconsistent with the provisions of this Act.

X. And it is hereby enacted, that nothing contained in this Act shall affect the hearing of second or Special Appeals which shall have been admitted and be pending in appeal before the said 1st day of May next, and that all such second or Special Appeals shall be heard and decided in the same manner as if this Act had not passed.

APPEALS FROM CONVICTIONS.

ACT No. IV. OF 1843.

[*Passed on the 24th March,* 1843.

1. *An appeal shall lie from all sentences by any Justice of the Peace and Magistrate without the local limits of Supreme Courts, &c. After Appeal there shall be no writ of Certiorari.*

2. *This Act not to take away the writ of Certiorari where there has been no Appeal.*

An Act for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53, Geo. III. Ch. 155.

Whereas, in many cases provided by Law, offences may be prosecuted before Magistrates not acting within local limits of the jurisdiction of Her Majesty's Supreme Courts, and which such Magistrates may take cognizance of either in their Magisterial capacity under the Regulations, or as Justices of the Peace. And whereas the Appeal from convictions before Magistrates acting in their Magisterial capacities, and from the like convictions before Justices of the Peace are subject to different rules. And whereas in all cases of convictions before Justices of the Peace in the Mofussil and before Magistrates exercising jurisdiction under the provisions of Statute 53, Geo. III. Ch. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to Appeals requires amendments.

I. It is hereby enacted, that an Appeal shall lie from all sentences passed by any Justice of the Peace acting without the local limits of any of Her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any Magistrate upon convictions had before him exercising such jurisdiction as aforesaid to the same authority and subject to the same rules as are provided by the Regulations and Acts of the Government in the case of sentences passed by Magistrates in the exercise of their ordinary jurisdiction. And cases so made the subject of Appeal shall not be afterwards liable to revision by means of a Writ of Certiorari.

III. And it is hereby provided that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a writ of Certiorari in any other case than where there has been such Appeal as aforesaid.

ABOLITION OF SLAVERY.

ACT No. V. OF 1843.

Passed on the 7th April, 1843.

1. *No public Officer in execution of any decree, &c. shall sell, &c. any person or the right to his compulsory labor, as being a person in a state of slavery.*

2. *No rights arising out of an alleged property in the person, &c. of another as a slave, shall be enforced by any Court, &c.*

3. *No person who may have acquired property, &c. shall be dispossessed, &c. on the ground that the person from whom it was derived was a slave.*

4. *Any act which would be a penal offence if done to a free man shall be equally an offence if done to any person on the pretext of his being a slave.*

An Act for declaring and amending the Law regarding the condition of Slavery within the Territories of the East India Company.

I. It is hereby enacted and declared, that no public Officer shall, in execution of any decree or order of Court, or for the enforcement of any demand of Rent or Revenue sell, or cause to be sold, any person, or the right to the compulsory labor or services of any person on the ground that such person is in a state of slavery.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the Territories of the East India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or bequest, shall be dispossessed of such property or prevented from taking possession thereof on the ground that such person from whom the property may have been derived was a slave.

IV. And it is hereby enacted, that any act which would be a penal offence if done to a free man shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

BENGAL.—JUDICIARY.

ACT No. VI. OF 1843.

[Passed on the 21st of April, 1843.

1. *Modifies Clause 4, Section 18, Regulation 5, 1831. Principal Sudder Ameens to be guided by the rules established in Courts of Zillah and City Judges.*

2. *Extends Section 4, of Act 25, 1837, to all interlocutory orders passed by Principal Sudder Ameens.*

3. *Repeals parts of Regulation 22, 1814, prohibiting Sudder Ameens and Moonsiffs from requiring Security, &c.*

4. *Sudder Ameens and Moonsiffs may demand Security under Sections 4 and 5, Regulation 2, 1806, and may proceed for realization of fines without reference to Zillah Judge.*

5. *Modifies Section 22, Regulation 5, 1831. Decrees passed on appeal in Courts of Judges or Principal Sudder Ameens shall be executed by the Court in which the original decree was passed, &c. In appeal from order of Moonsiffs or Sudder Ameens, the decision of Zillah or City Judge to be final.*

6. *Repeals Clause 2, Section 13, Regulation 23, 1814, and Clause 4, Section 5, Regulation 5, 1831.*

7. *No person by reason of place of birth or of descent shall in any civil proceeding be exempted from jurisdiction of Moonsiffs, &c.*

8. *and 9. Persons invested with the power of Moonsiffs may receive, &c. suits of every description under restrictions, &c. as to local jurisdiction and value mentioned in Clauses 1, 2. and 3, Section 5, Regulation 5, 1831. But no Moonsiff to try Suit, &c. in which he himself, his relations, &c. are interested. (9) Suits which he cannot try by reason of this restriction shall be sent to Zillah Judge who may refer the same, &c. to any other Moonsiff.*

An act for amending the Law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.

I. In modification of clause 4, section 18, Regulation V. of 1831, Bengal code, it is hereby enacted, that in the trial and decision of all Original suits referred to them by the Judge, the Principal Sudder Ameens shall be guided by the rules established for the conduct of business in the Courts of the Zillah and City Judges.

II. And it is hereby enacted, that the provisions of Section 4, Act No. XXV. of 1837, in respect to Appeals from decisions passed by Principal Sudder Ameens, in suits of the nature specified therein, be extended to all interlocutory orders passed by those Officers in such suits.

III. And it is hereby enacted, that such parts of Regulation XXII. of 1814, as prohibit the Sudder Ameens and Moonsiffs from requiring security from defendants, or from attaching their property in cases pending before them; or from realizing fines imposed by them without first obtaining the sanction of the Zillah Judge, be repealed.

IV. And it is hereby enacted, that it shall be competent to the Sudder Ameens and Moonsiffs to demand security from the defendant, under the provisions of sections 4, and 5, Regulation II. 1806, in cases pending before them: and also to proceed, without reference to the Zillah Judge, to the realization of fines imposed by them, provided that all orders passed by the Sudder Ameens and Moonsiffs under this section, be subject to an Appeal to the Zillah Judge.

V. And it is hereby enacted, in modification of Section 22, Regulation V. of 1831, that decrees passed in the Courts of the Judges or Principal Sudder Ameens, in cases of appeal from the decisions of the Sudder Ameens or Moonsiffs, shall be executed by the Courts in which the original decisions were passed, under the general rules prescribed for the execution of decrees passed by those Courts. Applications for the execution of such decrees shall be presented, together with a certified copy of the decree of the Judge or Principal Sudder Ameen to the Court of original jurisdiction. In appeals from the orders of the Moonsiff or Sudder Ameen in such cases the decision of the Zillah or City Judge shall be final.

VI. And it is hereby enacted, that clause 2, section 13, Regulation XXIII. 1814, and clause 4, section 5, Regulation V. 1831, be repealed.

VII. And it is hereby enacted, that no person whatever shall, by reason of place of birth, or by reason of decent, be in any civil proceeding whatever, exempted from the jurisdiction of the Courts of the Moonsiffs, in the Territories subject to the presidency of Fort William in Bengal.

VIII. And it is hereby enacted, that persons invested with the powers of Moonsiff shall be competent to receive, try, and determine suits of every description under the restrictions as to local jurisdiction and value of property mentioned in clauses 1, 2 and 3,

Section 5, Regulation V. 1831. Provided however, that no Moonsiff shall try any suit, in which he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court shall be a party.

IX. And it is hereby enacted, that in cases, where by reason of the above section, a Moonsiff cannot try a suit because he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court is a party to the suit, it shall nevertheless be competent to the Moonsiff to receive the suit, and forward it to the Judge of the Zillah to which he is subordinate, who may thereupon refer the same for trial and decision to any other Moonsiff of the District.

MADRAS.—JUDICIARY.

ACT No. VII. OF 1843.

[*Passed on the* 28*th April,* 1843.

1. *The Governor in Council may abolish the Provincial Courts of Appeal and Circuit and the Civil and Criminal Zillah Courts and establish new Zillah Courts and replace the existing ones by Courts constituted according to Regulations* 1, *and* 2, 1827, *or Regulations* 7, *and* 8, 1827.

2. 3. *and* 4. *Every Zillah Court to be established shall be superintended by one Judge, styled Civil and Session Judge, &c. and* (3) *have the same jurisdiction as is now exercised by Provincial Courts of Appeal, except their Original jurisdiction in suits of less than* 10,000 *Rupees, &c. which* (4,) *shall be transferred to subordinate Zillah Courts, &c.*

5. *Rescinds Section* 7, *Regulation* 7, 1827.

6. *Zillah Courts to entertain Appeals from subordinate Court, &c.*

7. *Modifies Section* 9, *Regulation* 7, 1827. *Principal Sudder Ameen having occasion to call on Collector, &c. to act in any matter before his Court, he shall transmit an extract of the proceedings, &c. an abstract of case, specifying what he requires to be done, &c and such Collector, &c shall comply, in same manner as if precept from Zillah Judge had issued, or report the case to the Zillah Judge who shall proceed thereon.*

8. *Appeals shall be to Zillah Judge's Court from all subordinate Civil Courts constituted under Regulation* 1, *and* 7, 1827, *and from Sudder Ameens and District Moonsiffs, &c. if made within* 30 *days, &c. Proviso* (2) *for the case of Courts remote from the Station of the Zillah Court.* (3) *Zillah Judge may refer to subordinate Judge or Principal Sudder Ameen Appeals from District Moonsiffs* (4) *and if such Appeal is dismissed, a summary Appeal shall be to the Zillah Judge.*

9. *From Zillah Courts Appeals, both regular and summary, shall lie to Sudr Udalut.*

10. *and* 11. *Single Judge of Sudr Udalut, shall have cognizance subject to specified provisions, which provisions shall also apply to subordinate Judges and Principal Sudder Ameens*

12. *Rescinds any provisions requiring inferior Courts to furnish the Sudr Udalut with translations, &c.*

13. *Modifies Sections* 13, 14, *of Regulation* 5, 1802. *All processes, &c. from Sudr Udalut, shall be directed to the Zillah Courts under this Act.*

14. *Zillah Court may refer the execution of decrees out of the Sudder to the subordinate Judges, Principal Sudder Ameens, &c.*

15. *All other processes from Sudder Ameen to be executed by proper officers of Zillah Court.*

16. *Modifies Section* 6, *Regulation* 3, 1833. *Power of suspending Sudder Ameens vested in Zillah Courts.*

17. (1) *The term Zillah Judge in Regulation* 6 *and* 7, 1816, *except Section* 56, *of Regulation* 6, 1816, *shall be applicable to Zillah Judges under this Act, and the term Principal Court shall apply to the Sudr Udalut,* (2) *District Moonsiffs may be employed by subordinate Judges and Sudder Ameens for specified purposes.*

18. *Zillah Judge may refer to Subordinate Judge or Principal Sudder Ameen &c. causes called up under Section* 54, *Regulation* 6, 1816.

19. *Specified causes sent by District Moonsiff to Zillah Judge may be referred to a Sudder Ameen or another District Moonsiff.*

20. *Zillah Judges may refer to subordinate Judges and Principal Sudder Ameens applications for execution of decisions of District Punchayets.*

21. *and* 22. *Zillah Judges may pass orders on complaints under Section* 11, *Regulation* 7, 1816, *according to Clause* 4 *thereof;* (22) *and under Section* 27, *Regulation* 7, 1832.

23. *Civil Actions and Criminal Prosecutions under specified Regulations, with respect to District Moonsiffs and Sudder Ameens, shall be brought before the Zillah Courts, &c.*

24. *Rescinds Section* 3, *Regulation* 8, 1816.

25. *Modifies Section* 14, *Regulation* 8, 1816. *Sudder Ameens may order certain executions, &c.*

26. *Zillah Courts shall exercise same Criminal jurisdiction as is exercised by Courts of Circuit, &c.*

27. *Zillah Judges shall hold permanent sessions for trial of persons accused of crimes, &c.*

28. *Rescinds Section* 2, *Regulation* 13, 1832.

29. *Modifies Clauses* 1, 3, *Section* 9, *Regulation* 10, 1816. *Subordinate Judge, or Principal Sudder Ameen, may under specified circumstances commit a prisoner for trial.*

30. *Session Judge shall try prisoner immediately, &c.*

31. *Except in specified cases the Mahometan Law Officer attached to Zillah Court shall sit with Session Judge, &c.*

32. 33. *and* 34. *Session Judge may avail himself of the assistance of respectable natives in the manner specified, &c. Decision to be by the Judge, but if he differs from the opinion of the Jury it must be confirmed by Foujdaree Udalut; (33) and one Judge of Foujdaree Udalut may alter or reverse the decision in favor of the accused, &c or (34) may confirm the decision and pass final sentence except for capital punishment.*

35. *Foujdaree Udalut on review of abstract, &c. may, without reference, mitigate sentence, &c or require the Session Judge to pass a new sentence.*

36. *Modifies Section 2, Regulation 3, 1833, and vests in Session Judge the power to overrule judgments in Criminal cases of Sudder Ameens.*

37. *Section 24, Regulation 10, 1816; Clauses 2, 3, Section 4, Regulation 2, 1822; Clause 2, Section 5, and Clauses 2, 4, Section 8, Regulation 6, 1827; shall apply to Session Judges, &c.*

48. *Prosecutions against Magistrates, &c. under Section 43, Regulation 9, 1816, shall be instituted in Zillah Court.*

39, 40, *and* 41. *Modifies Section 3, Regulation 13, 1832. Session Judge shall bring to notice of Foujdaree Adawlut any gross misconduct of any native Officer, &c. also (40) any minor neglects, &c. of subordinate Officers of Police, &c. and (41) report any neglect. &c of the Magistrate, &c by which the course of justice has been impeded, &c.*

42. *Session Judge may communicate directly with the District Officers of Police, to obtain evidence in cases specified.*

43. *Except as in Section 47, Europeans and Americans charged with offences not punishable by Magistrate, &c. shall be tried by Sudder Judge, &c.*

54, *If Governor in Council has established the Zillah Court and the Courts of subordinate Judge, &c. at separate stations, the Governor in Council may authorize the Session Judge to take cognizance of specified Criminal cases,.*

45. *If Subordinate Civil and Criminal Court is established, the Governor in Council may authorize the Civil and Session Judge to exercise the jurisdiction assigned to such Courts besides his own proper Civil and Criminal Jurisdiction.*

46. *Governor in Council may authorize Sudder Ameen at detached station to receive, &c civil suits, &c. without intervention of Zillah Judge under prescribed limitation as to amount, and criminal cases, the punishment of which is limited, &c.*

47. *European Principal Sudder Ameen at Cochin, shall exercise all the powers of a Criminal Court, &c.*

48. *and* 49. *Zillah Court to be under charge of Session Judge in specified case and (49) in other cases under Judge of subordinate Court, subject to visitation, &c. by Session Judge.*

50. *Subordinate Officers and Vakeels of Zillah Courts shall be subject to same rules as those of the Principal Courts of Appeal.*

51. *Governor in Council shall direct what Law Officers shall be appointed, &c.*

52. *The Governor in Council may appoint assistant Judge, &c.*

53. *The Governor General in Council may authorize the Governor in Council to change the stations of Zillah Courts, &c.*

54. *and* 55. *Extends to Magistrates the powers vested in Criminal Judges*

under specified Regulations, to be exercised in like manner as by subordinate Criminal Courts subject (55) to an appeal to Sudder Judge within one month, who may alter or annul the decision of the Magistrate but not increase the punishment.

55. *Courts established under this Act to dispose of cases pending, &c.*

An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II, and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts and for extending the Civil jurisdiction of such Courts.

I. It is hereby enacted, that the Governor in Council of Fort Saint George be empowered by an order in Council to abolish the Provincial Courts of Appeal and Circuit, and the Civil and Criminal Zillah Courts, now existing in that Presidency, and to establish new Zillah Courts to perform the Civil and Criminal functions now performed by the said Provincial Courts, and to replace the existing Civil and Criminal Zillah Courts, by Courts, constituted according to Regulations I. and II. of 1827, or Regulations VII. and VIII. of 1827, at his discretion.

II. And it is hereby enacted, that every Zillah Court established under this Act, shall be superintended by one Judge, who shall be styled Civil and Session Judge of the Zillah.

III. And it is hereby enacted, that the Zillah Courts established under this Act shall exercise within the limits assigned to them respectively by the Order in Council by which they are constituted, the same Civil jurisdiction as is now exercised by the Provincial Courts of Appeal, except the original jurisdiction vested in those Courts in suits for an amount or value less than 10,000 Company's Rupees, and shall be vested with the same authority, and shall be subject to the same rules and restrictions as such Provincial Courts of Appeal, except as hereinafter mentioned.

IV. And it is hereby enacted, that the original jurisdiction vested in the Provincial Courts of Appeal in suits for an amount or value less than 10,000 Company's Rupees, shall be transferred to the subordinate Zillah Courts constituted according to Regulations I. and VII. of 1827.

V. And it is hereby enacted, that Section VII. Regulation VII. of 1827, be rescinded.

VI. And it is hereby enacted, that in every Zillah in which there is a subordinate Court constituted according to Regulation VII. of 1827, the Zillah Court shall take cognizance of the appeals which by Section VIII. of that Regulation are reserved from the jurisdiction of such Court.

VII. First.—And it is hereby enacted, in modification of Section 9, Regulation VII. of 1827, that in all cases in which a Principal Sudder Ameen has occasion to call upon a Collector, subordinate Collector, or Assistant Collector, or other European Officer of Government, to do any thing in any matter before his Court, he shall transmit to such Officer an extract from the proceedings of the Court containing a brief Abstract of the case, and specifying what is required to be done by him, with a request that he will comply therewith, and that he will return an answer stating what he has done within a certain time, and such Officer shall comply with the requisition so conveyed to him, in the same manner as if it had been accompanied by a precept from the Zillah Judge.

Second.—Provided, that if such officer does not comply with such requisition the Principal Sudder Ameen shall report the case to the Zillah Judge who shall proceed thereon as if the requisition had been made by a precept from himself.

VIII. First.—And it is hereby enacted, that appeals shall lie to the Zillah Court from all decrees or orders of subordinate Civil Courts constituted according to Regulations I. and VII. of 1827, and of Sudder Ameens and District Moonsiffs in cases in which Appeals are now allowable, but such Appeals must be preferred within the period of 30 days, to be calculated as prescribed in the existing Regulations.

Second.—Provided, that whenever a Court constituted according to Regulation I. of 1827, or according to Regulation VII. of 1827, is established in any Zillah, at a place remote from the station of the Zillah Court, the Sudr Udalut, with the sanction of the Governor in Council, may order Appeals from the decisions and orders of District Moonsiffs stationed within the limits assigned to such Court, to be preferred to such Court. But it shall be com-

petent to the Zillah Judge at his discretion, to call up to his own Court, from time to time, Appeals received by any such Court, and to dispose of them himself.

Third.—Provided also, that the judge of any Zillah Court may refer to any Subordinate Judge or Principal Sudder Ameen in the Zillah, any Appeals from District Moonsiffs which may be filed in the Zillah Court.

Fourth.—Provided also, that if any such Appeal from a decision or order of a District Moonsiff which may have been under this Section referred for decision, or preferred in the first instance, to a subordinate Judge or Principal Sudder Ameen, be dismissed without any decision being come to on its merits, it shall be competent to the party aggrieved by such order of dismissal to prefer a summary Appeal from it to the Judge of the Zillah, and it shall be the duty of the said Zillah Judge to hold such proceeding on such summary Appeal as he may consider proper, and, having satisfied himself that the order dismissing the Appeal has been passed without sufficient cause being shown for such dismissal, it shall be competent for such Zillah Judge to issue his precept to the Court by which the appeal may have been dismissed, requiring that the appeal shall be again admitted on the file, and a decision passed upon it after mature consideration of its merits.

IX. And it is hereby enacted, that Appeals, Regular and Summary, from decisions and orders of the Zillah Courts, shall lie to the Sudr Udalut, under the same rules and restrictions as are applicable to similar Appeals to the Sudr Udalut from the Provincial Courts of Appeal.

X. First.—And it is hereby enacted, that it shall be competent to a single judge of the Sudr Udalut to hold a sitting of Court on all matters within the cognizance of that Court, and to pass orders or judgments in conformity to the Regulations, subject to the following provisions.

Second.—On the hearing of any Appeal from the decision or order of any Court of inferior jurisdiction, in any case, regular or miscellaneous, if a single Judge of the Sudr Udalut shall be of opinion that no sufficient ground has been shown to impugn the correctness or justness of such decision or order, it shall be competent to such single Judge, without reference to the order of the file

to confirm the same without requiring the attendance of the opposite party, and with or without a revision of the whole proceedings, as the nature of the case may appear to require, and to communicate the order of confirmation, through the Court from whose judgment the Appeal was made, to the opposite party, with a view to enable such party to take immediate measures for the execution of the decree. On the other hand, if a single Judge shall be of opinion that the decision or order appealed against ought to be altered, or reversed, as being manifestly unjust or at variance with some Regulation in force, or in opposition to the Hindoo or Mahomedan Law or other Law applicable to the case, or as having been passed without sufficient investigation of the merits, or as grounded on an assumption obviously erroneous, or irrelevant with reference to the points at issue, it shall likewise be competent to a single Judge to issue an injunction pointing out the irregularity, illegality, or other defect, apparent in the proceedings, decision, or order appealed against, and requiring that the Court by which the same may have been held, or passed, shall revise the case; and proceed thereon in such manner as may appear conformable to justice and to the Regulations.

Third.—A Single Judge of the Sudr Udalut may exercise his discretion in calling for the proceedings of the Lower Courts, or such parts of them as may appear necessary, and may further order a report in English, or in the Venacular language commonly used in the Court, as the occasion may render advisable, on any points requiring explanation, prior to passing a determination on the case or matter in appeal.

Fourth.—It shall further be competent to a single Judge to direct, that the execution of any judgment or order passed by any inferior Court, in all cases in which that measure may appear to him expedient, may be stayed until a final decision has been passed thereon.

XI. And it is hereby enacted, that the provisions of Clause 2d of the foregoing Section, shall be applicable to the Judges of Zillah Courts, and to Subordinate Judges and Principal Sudder Ameens.

XII. And it is hereby enacted, that any provisions of the existing Regulations which require inferior Courts to furnish the Sudr

Udalut with translations of papers written in the Vernacular languages of the country which they may transmit to that Court in Appeals and other cases, be rescinded.

XIII. And it is hereby enacted, in modification of Sections XIII. and XIV. Regulation V. of 1802, that all processes and orders therein described which may issue from the Sudr Udalut, shall be directed to the Zillah Courts established under this Act.

XIV. And it is hereby enacted, that it shall be competent to the Judges of the Zillah Courts to refer the execution of decrees of the Sudr Udalut, and of their own Courts, to the subordinate Judges, or Principal Sudder Ameens of their Zillahs, respectively, who shall proceed therein under the rules prescribed in the general Regulations applicable to such cases, provided that an Appeal shall lie from any order passed by a subordinate Judge, or Principal Sudder Ameen, under such reference, to the Zillah Court in the first instance, and secondly a Special Appeal to the Sudr Udalut.

XV. And it is hereby enacted, that all other processes issued by the Sudr Udalut and directed to the Zillah Courts, or originating in the Zillah Court, shall be served under the orders of the Zillah Judge by the proper Officers of the Court.

XVI. And it is hereby enacted, in modification of Section 6, Regulation III. 1833, that the power of suspending Sudder Ameens from Office, thereby vested in the Zillah, Assistant, and Native Judges, shall for the future be vested in the Judges of Zillah Courts established under this Act.

XVII. First.—And it is hereby enacted, that all parts of Regulations VI. and VII. 1816, in which the Zillah Judge is mentioned, shall be understood as applicable to the Judges of the Zillah Courts established under this Act, excepting Section 56, Regulation VI. 1816, which shall be applicable to the subordinate Judges and Principal Sudder Ameens, as extended by Section 5, Regulation III. 1833. And all parts of Regulation VI. of 1816, in which the Provincial Court is mentioned, shall be understood as applicable to the Sudr Udalut.

Second.—Provided, that District Moonsiffs may be employed by subordinate Judges and Principal Sudder Ameens, as well as by

Judges of Zillah Courts, in the manner and for the purposes specified in Sections 60, and 61, Regulation VI. 1816.

XVIII. And it is hereby enacted, that when a Zillah Judge sees reason for calling up, under Section 54, Regulation VI. 1816, any cause that may be depending before a District Moonsiff, he may refer it for trial to the subordinate Judge, or Principal Sudder Ameen, of the Zillah, or to a Sudder Ameen, or another District Moonsiff.

XIX And it is hereby enacted, that when a District Moonsiff shall forward to a Zillah Judge under Clause 2, Section 3, Regulation I. 1829, a suit instituted in his Court, in which he is directly or indirectly a party, or otherwise personally interested, the Judge may refer it for trial either to a Sudder Ameen, or another District Moonsiff.

XX. And it is hereby enacted, that the Judges of Zillah Courts may refer to the subordinate Judges, and Principal Sudder Ameens, applications for the executions of decisions of District Punchayets preferred under Section 17, Regulation VII. 1816.

XXI. And it is hereby enacted, that it shall be competent to Judges of Zillah Courts to pass orders of their own authority on complaints preferred under Section 11, Regulation VII. 1816, according to Clause 4 thereof.

XXII. And it is hereby enacted, that the Zillah Judge shall be competent to receive and pass orders of his own authority on complaints preferred under Section 27, Regulation VII. 1832.

XXIII. And it is hereby enacted, that Civil Actions and Criminal prosecutions under Clauses 1, and 2, Section 8, Regulation VI. 1816, with respect to District Moonsiffs, and as extended by Section 13, Regulation VIII. 1816, with respect to Sudder Ameens, shall be brought before the Zillah Courts established under this Act.

XXIV. And it is hereby enacted, that Section 3, Regulation VIII. 1816, be rescinded.

XXV. And it is hereby enacted, in modification of Section 14, Regulation VIII. 1816, that Sudder Ameens shall have authority to order execution of the decisions passed by them, according to the rules for the execution of decrees applicable to the

Courts to which they are attached, and to issue all process relative to the causes and proceedings before them under their own official seal and signature, and to realize fines imposed by them without reference to any Superior Officer.

XXVI. *(Criminal Jurisdiction.)*—And it is hereby enacted, that the Judges of the Zillah Courts established under this Act shall exercise within the limits assigned to those Courts respectively, the same criminal jurisdiction as is now exercised by the Judges of the Courts of circuit; and shall be vested with the same authority, and subject to the same rules and restrictions, as far as they are applicable and consistent with this Act.

XXVII. And it is hereby enacted, that the said Judges shall hold permanent sessions in the said Zillah Courts for the trial of all persons accused of crimes and offences now cognizable by the Courts of Circuit who shall be committed for trial by the subordinate Judges, or Principal Sudder Ameens, of the Zillahs respectively.

XXVIII. And it is hereby enacted, that Section 2, Regulation XIII. 1832, be rescinded.

XXIX. And it is hereby enacted, in modification of Clauses 1st and 3d, Section 9, Regulation X. of 1816, that if upon a perusal of the depositions given before the Magistrate, or any competent Officer of Police, it shall appear to the subordinate Judge, or Principal Sudder Ameen, before whom a prisoner is brought charged with a crime or misdemeanor subject to the jurisdiction of the Judge of the Zillah Court of Session, that there is evidence of the prisoner being concerned in the perpetration of the crime or misdemeanor with which he is charged, and if the deponents confirm their depositions on Oath before him, it shall be competent to the subordinate Judge, or Principal Sudder Ameen, without further investigation, to commit the prisoner to take his trial before the Session Judge.

XXX. And it is hereby enacted, that the Session Judge shall commence the trial immediately, and shall take the examination of the prosecutor and of the witnesses for the prosecution, and the defence of the prisoner, and the examinations of the witnesses for the defence, and if more witnesses have been previously summoned and are expected to attend, or if the Session Judge thinks it neces-

sary after the the commencement of the trial to call for further evidence, he shall adjourn the proceedings, permitting the prosecutor and witnesses to return to their houses, unless he shall see special cause to detain them in order to their being confronted with the other witnesses whose attendance is expected.

XXXI. And it is hereby enacted, that except in cases in which the Session Judge thinks proper to proceed as authorized in Section 32, of this Act, the Mahomedan Law Officer attached to the Zillah Court shall sit with the Session Judge for the trial of persons charged with crimes now cognizable by Courts of Circuit, in like manner and subject to the like Regulations as are now applicable to Law Officers sitting with the Courts of Circuit.

XXXII. First.—And it is hereby enacted, that it shall be competent to Session Judges in the trial of criminal cases, to avail themselves at their discretion of the assistance of respectable Natives, or other persons, in either of the two following ways:

Viz.—By constituting two or more such persons Assessors, or Members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of each of the Assessors shall be given separately and discussed, and if any of the Assessors, or the authority presiding in the Court, desire it, the opinions of the Assessors shall be recorded in writing.

Or by employing them more nearly as a jury. They will then attend during the trial, will suggest, as it proceeds, such points of enquiry as occur to them, (the Court, if no objection exists, using every endeavour to procure the required information,) and after consultation will deliver in their verdict. The mode of selecting the Jurors, the number to be employed, and the manner in which their verdict shall be delivered, are left to the discretion of the Judge who presides.

Second.—Provided, that the Law Officer may be one of the Assessors or Jury.

Third.—Provided also, that the decision shall be passed by the Judge according to his own opinion, whether he agrees with the Assessors or Jury, or not, if the case be one which, under the existing Regulations, it is competent to him to dispose of finally. But if he differs from the Assessors or Jury, his decision shall not be

carried into effect unless confirmed by the Court of Foujdaree Udalut to which the case shall be immediately referred.

XXXIII. And it is hereby enacted, that it shall be competent to a single Judge of the Foujdaree Udalut on a revision of the proceedings held on any Criminal trial by any Court of inferior jurisdiction, to reverse or alter the sentence or order passed thereon, provided such reversal or alteration be in favor of the accused, whether for acquittal, mitigation of punishment, or otherwise.

XXXIV. And it is hereby enacted, that if a single Judge of the Foujdaree Udalut, on a revision of the proceedings in a trial held by a Session Judge, concur in opinion with the Session Judge, whether for conviction or acquittal, it shall be competent to such single Judge to pass a final sentence, except for capital punishment, which as heretofore shall, in all cases, require the concurrent opinion of two Judges of the Court.

XXXV. And it is hereby enacted, that it shall be competent to the Court of Foujdaree Udalut on a review of the abstract statements of prisoners punished without reference, to mitigate the sentence passed on any prisoner when such sentence may appear on the Session Judge's own showing of the facts, manifestly illegal or too severe, and it shall not be necessary for the Court to call for the proceedings in such cases, unless they shall see special reasons for so doing. It shall further be competent to the Court in like manner to annul the sentence passed in any case when such sentence may be in opposition to any Law or Regulation in Force, and to require the Session Judge to pass a new sentence according to Law.

XXXVI. And it is hereby enacted, in modification of Section 2, Regulation III. 1833, that the authority to over rule judgments passod by Sudder Ameens in Criminal cases shall be vested in the Session Judges.

XXXVII. And it is hereby enacted, that Section 24, Regulation X. 1816, Clauses 2 and 3, Section 4, Regulation II. 1822, Clause 2, Section 5, and Clauses 2 and 4, Section 8, Regulation VI. 1827, shall be applicable to Session Judges instead of Judges of Circuit.

XXXVIII. And it is hereby enacted, that prosecutions against

Magistrates and their Assistants under Section 43, Regulation IX. 1816, shall be instituted in the Zillah Courts established under this Act.

XXXIX. First.—And it is hereby enacted, in modification of Section 3, Regulation XIII. 1832, that it shall be the duty of the Session Judge to bring to the notice of the Foujdaree Adawlut any gross misconduct of any native Officer of Police which may have come under his observation in a case investigated by himself, or which may have been reported to him by a subordinate Judge, or Principal Sudder Ameen, and which appears to him to deserve the penalty of dismissal, and it shall be competent to the Foujdaree Udalut to order the dismissal of such Officer.

Second.—Provided, that the Session Judge shall furnish a Copy of his Report upon the case to the Magistrate, and the Foujdaree Udalut shall not pass a final order upon it until the answer of the Magistrate, which shall be addressed to that Court, has been received and considered.

XL. And it is hereby enacted, that it shall be the duty of the Session Judge to bring to the notice of the Magistrate any minor neglects, or omissions, or transgressions, of the subordinate Officers of Police which have come under his own observations, or have been reported to him by subordinate Judge or Principal Sudder Ameen, and such notifications shall be recorded in the periodical returns to the Foujdaree Udalut.

XLI. And it is hereby enacted, that it shall be competent to the Session Judge to report to the Foujdaree Udalut any neglect or delay on the part of the Magistrate, or the subordinate Officers of the Magistracy, by which the course of justice has been seriously impeded in cases before himself, or which have been reported to him by a subordinate Judge, or Principal Sudder Ameen.

XLII. And it is hereby enacted, that it shall be competent to the Session Judges, subordinate Judges, and Principal Sudder Ameens, to communicate directly with the District Officers of Police for the purpose of obtaining all the evidence that appears to be forthcoming in cases in which prisoners have been forwarded by them charged with crimes and misdemeanors, Section 55, Regulation XI. 1816, notwithstanding.

XLIII. And it is hereby enacted, that except as provided in

Section 47, of this Act, Europeans and Americans charged with offences not punishable by the Magistrate, committed within the local jurisdiction of a Principal Sudder Ameen, shall be sent for trial to the Session Judge, who shall proceed thereon in conformity with the rules applicable to his own Court, or to Courts constituted according to Regulation II. of 1827, as the case may require.

XLIV. And it is hereby enacted, that in any Zillah in which the Governor in Council of Fort St. George deems it expedient to establish the Zillah Court, and the Court or Courts under subordinate Judges, or Principal Sudder Ameens, at separate stations, it shall be competent to the said Governor in Council, by an order in Council, to authorize the Session Judge to take cognizance of all Criminal cases subject ordinarily to the jurisdiction of the subordinate Courts, as well as cases subject to his own jurisdiction, which shall be sent to him by the Magistrate or Officers of Police of such Talooks as shall be therein indicated, and to dispose of such cases according to the rules applicable to them respectively.

XLV. And it is hereby enacted, that in any Zillah in which the Governor in Council of Fort St. George deems it unnecessary to establish a subordinate Civil and Criminal Court, constituted according to Regulations I. and II. or Regulations VII. and VIII. 1827, it shall be competent to the said Governor in Council, by an Order in Council, to authorize the Civil and Session Judge to exercise the Civil and Criminal Jurisdiction assigned to such Courts, besides the proper Civil and Criminal Jurisdiction of the Zillah Court, and to take cognizance immediately of Criminal cases, within his proper jurisdiction as Session Judge, as they are sent up by the Police and Magistracy.

XLVI. And it is hereby enacted, that when the said Governor in Council deems it proper to establish in any such Zillah a Court under a Sudder Ameen at a detached station, it shall be competent to the Governor in Council to authorise the Sudder Ameen to receive and dispose of Civil Suits arising in the portion of the Zillah over which jurisdiction shall be assigned to him, without the intervention of the Zillah Judge, under the limitation as to amount or value prescribed by the existing Regulations; and also to receive and dispose of Criminal cases sent to him by the Police and Magistracy of the Division subject to his jurisdiction, for which the

punishment prescribed shall not exceed the limitation specified in Section 7, Regulation X. of 1816.

XLVII. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise within the jurisdiction assigned to him all the powers of a Criminal Court constituted according to Regulation II. of 1827, and also all the powers of a Joint Magistrate.

XLVIII. And it is hereby enacted, that when the subordinate Criminal Court at the station of a Zillah Court is constituted according to Regulation VIII. of 1827, the Zillah jail shall be under the charge of the Session Judge.

XLIX. And it is hereby enacted, that when the subordinate Criminal Court at the station of the Zillah Court is constituted according to Regulation II. of 1827, the Zillah jail shall be under the charge of the Judge of the subordinate Criminal Court, and the Session Judge shall be vested with authority to visit the jail, and to pass orders according to Section 32, Regulation VII. of 1802, and Section 7, Regulation X. 1832.

L. And it is hereby enacted, that the subordinate Officers and Vakeels, who shall be appointed to the Zillah Courts established under this Act, shall be subject to the same rules as are applicable to the subordinate Officers and Vakeels of the Provincial Courts of Appeal.

LI. And it is hereby enacted, that the Governor in Council of Fort St. George shall direct what Law Officers shall be appointed to the Zillah Courts established under this Act, and shall order the manner of their appointment, and such Officers shall be subject to the same rules as the Law Officers of the Provincial Courts of Appeal.

LII. And it is hereby enacted, that the Governor in Council of Fort St. George may appoint an Assistant Judge to any Zillah Court, to whom the Judge shall have authority to refer any Appeals which may be depending before him, excepting Appeals from the subordinate Courts constituted according to Regulation I. or Regulation VII. of 1827, and such Assistant Judge shall be empowered to try and dispose of cases so referred to him under the rules applicable to the Judge.

LIII. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an order in Council, to authorize the Governor in Council of Fort St. George at any time to change the stations of Zillah Courts and the limits of their local jurisdiction, and to abolish any of the Zillah Courts which shall be first established under this Act, and to establish new Zillah Courts in any parts of the Presidency of Fort St. George.

LIV. First.—And whereas it is deemed expedient to extend the powers vested in Magistrates by Regulation IX. of 1816.

It is hereby enacted, that the Magistrates be authorized to exercise the powers vested in Criminal Judges by Section 7, Regulation X. of 1816, concurrently with the subordinate Criminal Courts.

Second.—Provided that in all cases in which Magistrates shall exercise the additional powers hereby vested in them, the form of procedure shall be the same as is required to be observed in the subordinate Criminal Courts in similar cases, and the same record shall be kept of the trial.

LV. And it is hereby enacted, that in every case in which a Magistrate shall exercise such additional powers an Appeal from his sentence or order may be preferred to the Session Judge within one month, and it shall be competent to the Session Judge upon such an Appeal to annul or alter the sentence or order, provided that he shall not increase the punishment awarded by the Magistrate.

LVI. And it is hereby enacted, that all Criminal cases which may be depending at the time of the abolition of the Zillah and Provincial Courts, shall be disposed of by the Courts acquiring jurisdiction over the same in virtue of this Act.—Provided, however, that prisoners who may have been committed for trial by the Session Judge in his former Office of Criminal Judge, or Joint Criminal Judge, and who may object to be tried by that Officer, shall be tried by the Session Judge of another Court, or by the special commissioner of the Division, or by an Officer specially appointed by Government.

PROVINCIAL COURTS OF APPEAL.

ACT No. VIII. OF 1843.(a)

[*Passed on the 28th April*, 1843.

An Act for disposing of the original suits and appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.

Whereas it is necessary that provision should be made for the disposal of Original Suits and Appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII of 1843.

I. It is hereby enacted, that the Governor in Council of Fort St. George be empowered to appoint a single Judge to hold a Court in place of each of the said Provincial Courts at the station of such Provincial Court, with a special Commission to dispose of all Original Suits and Appeals which may be depending before such Court, on the date on which the said Governor in Council shall order the functions of the Provincial Courts to cease.

II. And it is hereby enacted, that the Judges, who shall be appointed for this purpose, shall be styled respectively, viz.

Special Commissioner for disposing of the causes depending before the late Provincial Court for the (Northern, Southern, Centre or Western) Division.

III. And it is hereby enacted, that every Special Commissioner so appointed previously to entering upon the execution of the duties of his Office, shall take and subscribe the oath prescribed to be taken by judges of the Provincial Courts of Appeal, before any person who shall be Commissioned by the Governor in Council of Fort Saint George to administer it.

IV. And it is hereby enacted, that the Special Commissioners shall transfer the Original Suits on the files of Provincial Courts, in which no proceedings have been held beyond the filing of the pleadings, and exhibits, to the Zillah Courts within whose jurisdiction they would fall respectively if they were commenced *de novo*, and such suits shall be tried and decided by the Judges of such Zillah Courts subject to Appeal to the Sudr Udalut.

V. First.—And it is hereby enacted, that all other Original Suits, and all Appeals on the file of the Provincial Courts, shall be tried and decided by the special Commissioners, who shall have the same power as heretofore have been vested in two or more Judges of such Courts sitting together, subject to the same rules and restrictions, and under the same provisions for Appeals to the Sudr Udalut.

Second.—Provided, that in a case of special Appeal from a Lower Court, if a Special Commissioner differs from the Court from whose decision the Appeal is preferred, he shall not pass a final judgment reversing the decision,

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(a) An Act of temporary operation, and supplemental to Act No. 7.

but shall record his opinion and transmit the record of the case to the Sudr Udalut, to be laid before a single Judge of that Court, whose judgment, confirming or reversing the decree appealed against, shall be final.

VI. And it is hereby enacted, that the execution of Decrees of the special Commissioners, and also of the Provincial Courts for which process was not issued previously to their abolition, shall be committed to the Judge of the Zillah in which the Suit was instituted, or if the Suit was instituted in the Provincial Court, to the Judge to whose jurisdiction the Suit would fall if it were commenced *de novo.* The records of the cases shall be transmitted, together with the Decrees, to the respective Zillah Judges, who shall proceed in the execution of the Decrees in the same manner as if they were passed by themselves, and appeals from their orders shall lie to the Sudr Udalut.

VII. And it is hereby enacted, that the Judges of the Zillah Courts shall proceed in like manner to complete the Execution of Decrees of the Provincial Courts under process previously issued, subject to Appeal to the Sudr Udalut.

VIII. And it is hereby enacted, that from decisions passed by Zillah Judges, Assistant-Judges, and Principal Sudder Amens, previously to the abolition of the Provincial Courts, in cases appealable to those Courts, in which the time allowed for appealing shall not have expired at the date of their abolition, an Appeal shall lie to the Sudr Udalut, provided that the petition of Appeal be presented to the Sudr Udalut or to the Civil Judge of the Zillah in which the Original Suit was decided, within one month from the expiration of the period within which it ought to have been presented under the Rules applicable to appeals to the Provincial Courts.

IX. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort Saint George to authorize the appointment of Ministerial Officers, and Vakeels of the Courts of the special Commissioners, who shall be subject to the same Rules as are applicable to the Ministerial Officers and Vakeels of the Provincial Courts.

BANK OF MADRAS.

ACT No. IX. OF 1843.

Passed on the 14*th June,* 1843.

1. *Incorporates, by the name of the Bank of Madras, the persons named in Schedule, upon certain contingencies.*

2. *Shares which have lapsed, by reason of non-payment of subscription, shall be tendered to specified applicants, and if not taken by such, shall be at disposal of General Meeting of Proprietors.*

3. *Capital Stock of the Bank to be thirty lakhs of rupees, whereof three to*

be the property of the Governor General in Council of Madras, and the rest of the persons who are scheduled as proprietors.

4. *Governor General of India in Council may authorise the Capital to be increased, and make order for opening subscription, and for disposal of new stock &c.*

5. *The Capital Stock to be divided into shares of* 1000 *rupees each, and numbered accordingly, and shares from* 1 *to* 300 *to be the property of the Governor in Council. If Stock is increased, it shall be divided in similar manner. No Share to be less than* 1000 *rupees.*

6. *On* 1*st of July,* 1843, *if subscriptions are paid up, the Governor in Council shall notify the incorporation of the Bank, and that it is open. Bank may sue and be sued by its corporate name, use a common Seal, acquire and hold any description of property.*

7. *The business of the present Government Bank shall cease, &c. on the opening of the Bank of Madras.*

8. *Relates to the winding up of the affairs of the Government Bank.*

9. *Proprietors to have a Certificate of their shares, signed by three Directors: each proprietor may have Certificate either for each share singly, or for all the shares held by him, or several Certificates.*

10. *No Proprietor to hold more than* 50,000 *rupees in the Capital of the Bank, except on occasion of an increase in the Capital Stock under Section* 4, *&c. and except any addition to his interest arising from Succession, Bequest or Marriage.*

11. *Shares in the Capital Stock to be personal property, and transferable by endorsement on Certificate under the hand of the Proprietor, &c.; but such endorsement not to be effectual until registered.*

12. *The Corporate body shall consist of the Registered Proprietors of Shares, for the time being.*

13. 14. *and* 15. *The business of the Bank to be managed by nine Directors, of whom three shall be appointed by the Governor in Council, the rest at a General Meeting of Proprietors;* (14.) *the six, to be elected from among the holders of six shares in the Capital Stock, by the Shareholders in person or by proxy, and two to go out each year, those having the fewest votes first, and so on, and* (15.) *a new election to be made on the second Monday in December: out-going Directors not to be re-elected at the next election.*

16. *In case of the death, resignation, absence from Madras for more than three months, or disqualification of any elected Director a General Meeting to be called to elect a successor.*

17. *No person to be elected a Director who has not in his own right six unincumbered Shares, or who is a Director of any other Bank in Madras issuing notes payable on demand.*

18. *At General Meetings, every election, &c. to be decided by a majority of votes, and no person to vote in respect of any share acquired by transfer, &c. or otherwise than by Act of Law, unless transfer completed six months previously.*

19. *Proprietors to vote according to specified scale: no Proprietor to have more than four votes.*

20. *The holder of Government proxy to have four votes, except at election of Directors.*

21. *Proprietors may give either general or special proxy to a Proprietor, who may vote according to the tenor of the proxy.*

22. *Directors to choose a President, &c. in whose absence the Senior Director shall be V. P.—President and V. P., in case of equality of votes, to have casting vote.*

23. *Three Directors necessary to form a Board. Directors to establish a rotation among themselves so that not less than three may attend weekly.*

24. *All accounts of the Bank and all instruments not under seal, &c. except Cash Notes, shall be signed by three Directors. Seal not to be affixed except in presence of three Directors, who shall sign, &c.*

25. *Directors may appoint Officers, but expence of establishment not to exceed* 50,000 *Rupees.*

26. *No person holding the office of Secretary, &c. shall engage in other Commercial business, &c. and such Officers shall give Security in* 50,000 *Rupees.*

27. *Bank shall not be engaged in any kind of business, except the eight kinds in this Section specified.*

28. *Directors not to discount any Negotiable Security, or make Loan, unless it has Cash equal to one-fourth of all claims against it payable on demand.*

29. *Directors not to discount Negotiable Securities having more than three months to run, nor lend for more than three months, or advance on Bank Shares or Mortgage, nor on Security of Lands, &c. nor on Security which does not carry on it the responsibility of at least two individuals or firms unconnected in general Partnership, nor in any other manner (saving by deposit of Government Securities or Goods not perishable) beyond three Lakhs of Rupees: advances upon Government Bills or obligations not to be within this restriction.*

30. *No Loan, other than the above, to be made except on deposit of public Securities, indorsed to the Bank, or Goods not perishable and exceeding in value by one-fourth the amount of the Loan.*

31. *Bank not to advance to Government more than* 7½ *Lacks. But the holding of Government Securities, &c. not to be construed as an advance within the meaning of this Clause.*

32. *No person keeping Cash with the Bank to be allowed to overdraw his account.*

33. *Bank may issue notes payable on demand, or not exceeding* 30 *days after sight, which may be signed by such person as the Directors may appoint. The amount of such notes not to exceed one Crore of Rupees, and no note to be for less than ten Rupees.*

34. *Not lawful for the Bank to make any note, &c. for the payment of money elsewhere than within the limits of India.*

35. *Bank may receive in deposit Goods not of a perishable kind, and contract for their safe keeping.*

36. *Books of the Bank to be balanced on the 30th June and 31st December, and a Statement of the Balance, signed by a majority of the Directors, to be sent to one of the Secretaries of the Government; and Bank to give further information, and to produce documents, &c. if required by the Governor in Council.*

37. *An account of the profits of the Bank shall be taken half yearly on the 1st January and 1st July, and a dividend, amount to be determined by the Directors, made on the ground of actual profits. Directors may set apart not more than 5 per cent. on the Capital Stock as a reserve against Contingencies.*

28. *First Monday in March every year, a Statement of the affairs of the Bank to be submitted to General Meeting of Proprietors, &c.*

39. *Any three Directors, or any ten Proprietors may convene General Meeting of Proprietors, upon giving 15 days previous notice, &c.*

40. *Bank, with Sanction of Governor in Council, and approbation of Court of Directors, may establish Branch Banks, &c. which shall be subject to same rules and restrictions, &c. as the Bank established by this Act.*

41. *Dividends of Proprietors indebted to the Bank may be applied in payment of debt to the Bank. After demand of payment and default, Bank may refuse to register any transfer of Share of such Proprietor, and sell the Share after six months notice.*

42. *Bank to continue till 1st July, 1850, and thereafter until duly dissolved, &c But not to be dissolved, &c. until after 12 months notice. If Bank suspend Cash payments, the benefits given by this Act shall be forfeited.*

For the incorporation of a Bank at Madras.

Whereas the Hon'ble Court of Directors of the East India Company by and with the approbation of the Board of Commissioners for the Affairs of India, has directed the abolition of the present Government Bank at Madras, and in lieu thereof has sanctioned the establishment of a Bank at Madras on the principles hereinafter set forth, and has required the Government of India to pass An Act of Incorporation for the same;

I. It is therefore hereby enacted, that from the first day of July next ensuing, in the year of our Lord 1843, the persons whose names are included in the Schedule hereunto annexed, having severally subscribed and signed their acceptance of the terms of incorporation specified in this Act, and with the Government of Madras on the part of the East India Company, having paid into the Government Treasury the amount of Capital Stock subscribed by them respectively and taken receipts for the same from the Sub-Treasurer to the Government of Fort Saint George, shall, together with the Governor in Council for the time being of the Pre-

sidency cf Madras, be a corporation Body Corporate and Politic by name of the Bank of Madras, with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereinafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided, however, that it shall be lawful for the Governor General of India in Council at any time before the 1st of September next, to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Madras, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby declared and provided, that if any of the persons whose names are in the said Schedule shall have failed to make good their subscriptions on or before the 1st day of May last past, the Shares to which such names are attached were claimable and might be taken by the persons who having made applications for Shares which were received after the prescribed amount of Capital had been taken and subscribed for by the parties in the said Schedule, had been permitted to have their said applications registered as received: and the shares which shall have so lapsed having been tendered to such applicants in the order of such registry according to the list given in to the Governor in Council at Fort Saint George, shall be and are the property of such persons provided they shall have in the manner heretofore mentioned paid up their subscriptions on or before the 20th day of May last past. And in the event of there having remained any unpaid Shares after the parties whose names had been so registered had thus had the option of completing the payments due on such shares, then such remaining unpaid shares are declared to have been at the disposal of a General Meeting of the Proprietors convened for that purpose. And it is hereby enacted, that the persons who shall have become the Proprietors of the lapsed Shares in the manner above provided, or under an appropriation made at such General Meeting of Proprietors, by payment of the amount subscribed, shall be considered to belong, and shall to all intents and purposes belong to the Corporation body corporate and Politic by name of the Bank of Madras, and shall possess and enjoy all the rights, privileges, and im-

munities the same as the persons according to the Original Schedule who shall have paid up their subscriptions on or before the 1st day of May last past. And it is hereby declared and required that as soon after the promulgation of this Act, as may be practicable, the Governor in Council at Fort Saint George shall publish in the Official Gazette of that Presidency a Schedule of the Proprietors of the Bank of Madras as incoporated under the provisions of this Act, and that the same shall be transmitted to be republished in the official Gazette of Calcutta.

III. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be Thirty Lakhs of Rupees, whereof Three Lakhs shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the persons whose names are in the Schedule hereunto annexed, or in any Schedule corrected in the manner provided for in the 1st Section of this Act, or whose names shall be in the Schedule published by order of the Governor in Council at Fort St. George in the official Gazette of that Presidency as required in Section 2 of this Act, shall be Proprietors of the shares of the said Capital Stock set against their names respectively.

IV. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an order duly published in the Official Gazettes of Calcutta and of Madras, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of Subscriptions towards such increase of capital as to him many seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportion of New Stock to which they may respectively be entitled, and also to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of New Stock that may not be subscribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

V. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be divided into shares of one thousand rupees each,

which shall be numbered accordingly, and three hundred of the said Shares numbered from No. 1 to 300 shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the remainder shall be the property of the Proprietors who shall have paid up the same, and no separate interest or share in the Stock of the said Bank of less amount than 1,000 rupees shall be created, or held by any Proprietors, and if at any time the capital of the said Bank shall be increased, the new Stock added thereto shall in like manner be divided into shares of 1,000 rupees each, and no Proprietor shall be entitled to claim a share of such new Stock of less amont than 1,000 rupees.

VI. And it is hereby enacted, that on the said 1st day of July, 1843, or on some early day after that date, provided the subscriptions have been paid up as above prescribed, the Governor in Council of Madras shall notify in the official Gazette of that Presidency that the Bank of Madras being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized by this Act, and the said Bank shall and may sue and be sued by its Corporate name, and shall and may use such common Seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold either absolutely or conditionaly, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VII. And it is hereby enacted, that immediately on the opening of the said Bank of Madras the business of the present Government Bank of Madras shall cease, and it shall proceed to wind up its affairs as soon as possible, and all cash Notes of the Government Bank of Madras which shall be then outstanding shall be payable thenceforth at the Bank of Madras which shall pay them on being veritied by such Officers as the Governor in Council of Fort St. George may appoint for the purpose, on presentment, as if they had been issued by the Bank of Madras.

VIII. And it is hereby enacted, that on Monday of every week, so long as there are any Notes of the Government Bank outstanding, the Bank of Madras shall cause to be made up a statement of the Notes of the Government Bank paid by them in the course of the preceeding week, and transmit the same to the Governor in Coun-

cil of Madras with the Notes, who shall thereupon cause the amount, with all reasonable expedition, to be repaid to the Bank of Madras.

IX. And it is hereby enacted, that after the delivery by the Sub-Treasurer at Madras, to whom all subscriptions on account of the Capital of this Bank will have been paid, as above provided, of the amount of Capital Stock to the Directors of the Bank, the receipt which may be granted by the Sub-Treasurer to the Subscribers respectively shall be cancelled, and a Certificate, signed by three Directors of the Bank of Madras, shall be delivered to each proprietor, and any person who is a Proprietor of more than one share of the Capital Stock, may at his option demand a Certificate for each of his Shares, or one Certificate for all his shares, or several Certificates, each of which may be for any number of his Shares.

X. And it is hereby enacted, that no Proprietor shall be allowed to increase his Share in the Capital Stock of the said Bank beyond the amount of 50,000 Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank, under the authority of the Governor General in Council, in the manner prescribed in Section 4 of this Act, in which case any Proprietor holding Stock to the full amount of 50,000 Rupees, shall, notwithstanding, be entitled to subscribe to the increased Capital Stock in a rateable proportion; and excepting any addition to his interest in the said Capital Stock arises from Succession, Bequest, or Marriage.

XI. And it is hereby enacted, that the said Share or Shares of the Capital Stock of the said Bank shall be of the nature of personal Estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the Certificates thereof, respectively, under the hand of the Proprietor or Proprietors, or his or their Attorney duly authorized, which endorsement shall specify the name of the person or persons, to whom the said transfer shall be made, but no such endorsement shall be effectual to transfer any such Share or Shares, until such endorsement shall have been registered at the Bank of Madras, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose, by the Directors of the said Bank.

XII. And it is hereby enacted, that the said Corporate body of the Bank of Madras shall consist and be composed of the Registered Proprietors for the time being of the said Shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XIII. And it is hereby enacted, that the business of the said Banks shall be managed by nine Directors, of whom three shall be appointed and be removeable by the Governor in Council of Madras, and the remaining six shall be elected by the General Meeting of the Proprietors of the said Bank, and shall be removeable by vote of the majority of a General Meeting of the said proprietors.

XIV. And it is hereby enacted, that the first Directors of the Bank shall be such three persons as may be appointed by the Governor in Council of Madras to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule of Proprietors published in the Official Gazette of Fort St. George, in the manner prescribed by Section 2 of this Act, and who being entitled to not less than six shares or 6,000 rupees of the Capital Stock of the said Bank, shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule, to be held at such time and place as the Governor in Council of Madras may fix by public notification in the Official Gazette of that Presidency, and the election shall be made by the persons who according to the said Schedule of Proprietors may be entitled to Shares of the Capital Stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of Stock respectively held by them, and the Directors so appointed shall appoint officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation, and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes, the two Directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

XV. And it is hereby enacted, that two of the six Directors elected as provided in Section XIV. and to be elected by the Proprietors, shall in rotation go out of office on the second Monday in the month of December, in every year, on which day in every

year a General Meeting of Proprietors shall be held for the election of two Directors in their stead, but no Directors going out by rotation as aforesaid shall be re-elected at the election which takes place thereupon, though he shall be eligible for a future election,

XVI. And it is hereby enacted, that in case of the death, resignation or absence from Madras for more than three months, or disqualification under Section 17, or removal as aforesaid, of any Director elected as provided in Section 14, or to be elected by the Proprietors after the incorporation of the Bank of Madras, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the place in rotation above mentioned of the late Director.

XVII. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right unincumbered of six shares or Six Thousand Rupees of the Capital Stock of the Bank of Madras, or who shall be a Director of any other Bank issuing notes payable on demand within the Town or Suburbs of Madras.

XVIII. And it is hereby enacted, that at a General Meeting of the Proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any Share of the said Capital Stock acquired by transfer, or purchase, or otherwise than by Act of Law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

XIX. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale :—

The Proprietors of—

2 Shares shall be entitled to,.........	1 Vote.
6	2 ,,
12	3 ,,
25	4 ,,

and no Proprietor shall be entitled to more than four votes.

XX. And it is hereby enacted, that it shall be lawful for the

Governor in Council of Madras to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Madras may appoint to attend any General Meeting of the Proprietors, and that the holder of such proxy shall be entitled to give four votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XXI. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either General or Special, under his, her or their hand, or the hand of his, her, or their Attorney duly authorized to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given, to vote, on such matter or matters, as shall be authorized by the tenor of such proxy.

XXII. And it is hereby enacted, that at the first Meeting of the Directors, after their election, in every year, they shall choose a President from among themselves, and if the office of President shall become vacant they shall at their next Meeting choose a successor for the remainder of the current year, and that during any vacancy, or in the absence of the President, the Senior Director shall be Vice President for the time being, and that such President or Vice President shall have the casting vote in all cases of an equal division of votes at Meetings either of Directors or Proprietors.

XXIII. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors; provided always that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXIV. And it is hereby enacted, that all Accounts of the said Bank, and all instruments not under seal whereby the said Bank can in any manner be bound, except the Cash Notes of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors

who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors, such instrument shall be of no validity.

XXV. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank, and to remove any Officer of the said Bank, and to fix the salaries of such Officers, provided that the whole expense of the establishment of the said Bank shall not, in any one year exceed 50,000 Rupees, without previous authority from the General Meeting of the Proprietors.

XXVI. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Madras, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or Act as a Broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said offices shall give Security to the Directors, for the faithful discharge of his duty in the sum of 50,000 Rupees.

XXVII. And it is hereby enacted, that the said Bank of Madras shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is say:

1st. The discounting of Negotiable Securities.

2d. The keeping of Cash Accounts, including the realization of Dividends and Interest on Government Securities to the credit of constituents of the Bank.

3d. Buying and Selling of Bills of Exchange payable in India.

4th. The lending of Money on short Loans.

5th. The Buying and Selling of Bullions.

6th. The receiving of Deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of Property or Securities deposited in the Bank as Security for Loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of debts and claims.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security, and make no

Loan unless the amount of Cash in possession of the said Bank, and immediately available, shall be equal to at least one fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXIX. And it is hereby enacted, that the Directors of the said Bank of Madras shall not discount any Negotiable Securities which shall have a longer period to run than three Months, or lend any money for a larger period than three months, and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on Mortgage or in any other manner on the Security of any Lands, Houses or immoveable Property, nor on any Negotiable Security of any Individual or Partnership Firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general Partnership, nor be in advance at one and the same time, to any Individual or Partnership Firm, either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities or Goods not perishable as hereinafter mentioned,) beyond the amount of Three Lakhs of Company's Rupees. Provided always that the advances upon Bills of Exchange accepted by the Government or upon other Government Obligations, shall not be considered as an advance within the meaning of this restriction.

XXX. And it is hereby enacted, that the Directors of the said Bank shall make no Loan other than such Loans as are described in the clause next preceding, except on deposit of Public Securities in the full amount of the Loan, and which Public Securities shall be so endorsed or otherwise transferred as to put them at the absolute disposal of the said Bank of Madras, or on deposit of Goods not of a perishable nature, and of an estimated value exceeding the amount of the loan by at least one fourth.

XXXI. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than Seven Lakhs and a half of Company's Rupees; provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government or of other Government Acceptances or Obligations derived to the said Bank from Individuals and not overdue, or subscribed and paid for by the Bank, shall not be construed

as being in advance to the Government within the meaning of this Clause.

XXXII. And it is hereby enacted, that the Directors of the said Bank of Madras shall not suffer any person or persons or body corporate keeping cash with the said Bank of Madras to overdraw his, her, or their account.

XXXIII. And it is hereby enacted, that the said Bank of Madras may issue Promissory Notes payable either on demand, or at a date not exceeding thirty days after sight, which Notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorize in that behalf; provided always that the total amount of such Notes in circulation at any one time shall not exceed one Crore of Rupees, and provided also that no such Note shall be for a smaller amount than Ten Rupees.

XXXIV. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any Note, Bill, or other instrument containing any promise, undertaking, or order for the payment of Money elsewhere than within the limits of India.

XXXV. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Madras to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXVI. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a Statement of the Balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Madras, and that the Governor in Council of Madras shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXVII And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a Divi-

dend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such Dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the six Calendar months preceding the day up to which such half yearly Acccount shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation, shall, upon being audited and admitted by the said Directors be paid out of the Funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors, and provided that the said Directors, subject to the control and sanction of the Proprietors at the General Meetings, shall have power, when they see fit, to set apart from such profits, a sum not exceeding Five per cent. on the capital stock of the Bank as a reserve against contingencies.

XXXVIII. And it is hereby enacted, that on the first Monday of the month of March in every year, a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said Proprietors a Statement of the affairs of the said Bank, made up to the preceding 31st of December, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said Bank, which shall be binding on the Directors and Officers of the Bank and on the Proprietors thereof until rescinded or modified respectively by any subsequent General Meeting.

XXXIX. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank may at any time convene a General Meeting of the Proprietors, upon giving fifteen days previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public Advertisement in the Official Gazette of Madras. And any General Meeting so convened shall have the same powers and authorities as prescribed in the preceding Section of this Act for the Annual General Meeting to be held in the month of March.

XL. And it is hereby enacted, that it shall be lawful for the

Bank of Madras, with the sanction of the Governor in Council of Madras, and with the approbation of the Court of Directors of the East India Company, to establish Branch Banks at such places, and under such rules and restrictions as shall be determined by the Proprietors at their General Meetings. Provided, however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Madras, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of Notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Madras by this Act.

XLI. And it is further enacted, that if any of the Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the Dividends on the share or shares of such Proprietor registered as his, or her own property, and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such Dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such Proprietor, or his or her Constituted Agent, or by Public Advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such Proprietor until payment of such debt, and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such Proprietor, or his, or her lawful representative.

XLII. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of July, which will be in the year of our Lord 1850, and shall thereafter continue in like manner until duly dissolved or modified; provided, however, that after the said 1st day of July 1850, the said Bank shall not, except upon the application or by the consent of the Proprietor

of the said Bank, be dissolved, or any wise *modified without previous* notice of twelve months at the least being given by the Governor General of India in Council, or by the Government of the Presidency of Fort Saint George to the Directors of the said Bank for the time being of such intended dissolution or modification. Provided also that in the event of the said Bank at any time suspending any Cash Payments the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

SCHEDULE.

Names.	Number of Shares of 1,000 Rs. each		Amount in Rupees.
Joseph Pugh,	Forty,	40	40,000
David Pugh,	Twenty,	20	20,000
John Utlay Ellis,	Twenty,	20	20,000
Joseph Goolden,	Six,	6	6,000
John Pugh,	Six,	6	6,000
Major George Hutchinson, 24th Regt. Nat. Inf.	Twelve,	12	12,000
Surgeon Ramsay Sladen,	Twenty,	20	20,000
Peter John Phillipsz,	Twelve,	12	12,000
Nathaniel Brindley Acworth,	Fifty,	50	50,000
John Line,	Twenty,	20	20,000
James Thomson,	Twenty,	20	20,000
Surgeon Robert Baikie, M. D.,	Ten,	10	10,000
Lieut.-Col. Frederick Larkins Doveton, 5th Regt. Lt. Cavalry,	Ten,	10	10,000
William Haylett,	Twenty,	20	20,000
James Cuddy,	Five,	5	5,000
James Scott,	Twenty,	20	20,000
John Binny Key,	Twenty,	20	20,000
William Scott Binny,	Ten,	10	10,000
Henry V. Conolly,	Ten,	10	10,000
Surgeon John Wylie, M. D	Twelve,	12	12,000
Donald Mackenzie,	Twenty,	20	20,000
William Liddell,	Ten,	10	10,000
Colin C. Dunhil,	Four,	4	4,000
Mathew Dunhill,	Four,	4	4,000
Mark Dunhill,	Four,	4	4,000
Revd. George William Mahon,	Twenty,	20	20,000
John Carnac Morris,	Fifty,	50	50,000
Major James Macdonald, 45th Regt. Nat. Inf.	Fifteen,	15	15,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
James Ouchterlony,	Forty,	40	40,000
Lieut.-Col. Alexander Tulloch, C. B.	Twenty-five	25	25,000
John Murray, M. D.	Ten,	10	10,000
Andrew Barrie,	Ten,	10	10,000
Edmund Marsden,	One,	1	1,000
Chocapah Chetty,	Four,	4	4,000
Surgeon George Harding,	Twenty,	20	20,000
John Dent,	Ten,	10	10,000
Robert Grant,	Forty	40	40,000
Claud Currie,	Twenty,	20	20,000
Surgeon James Smith,	Five,	5	5,000
George Gahan,	Twenty,	20	20,000
Thomas Kennedy MacFadzen,	Ten,	10	10,000
Eleazar Seth Sam,	Six,	6	6,000
Andrew Seth Sam,	Sixteen,	16	16,000
Varden Seth Sam,	Six,	6	6,000
Alexander Maclean,	Fifteen	15	15,000
Captain Isaac Campbell Coffin, 12th Regiment Native Infantry,	One,	1	1,000
Robert Clerk,	Fifteen,	15	15,000
William Hamilton Hart,	Twelve,	12	12,000
James Webster,	Ten,	10	10,000
William Scott,	Five,	5	5,000
John Scott,	Five,	5	5,000
Peter Bell,	Five,	5	5,000
Thomas Arthur Chamier,	Twelve,	12	12,000
Michael McDowell,	Twelve,	12	12,000
Lieut. Arthur Frederick Beavan, 39th Regiment Native Infantry,	Five,	5	5,000
Captain James Victor Hughes, 39th Regiment Native Infantry,	Seven,	7	7,000
Edward Penton Thompson,	Thirty-five,	35	35,000
G. P. Thompson,	Thirty-five,	35	35,000
Archibald Francis Arbuthnot,	Twelve,	12	12,000
William McTaggart,	Twelve,	12	12,000
Alexander Mackenzie,	Twelve,	12	12,000
James Liddell,	Ten,	10	10,000
Major-General Robert Brice Fearon, C. B.	Six	6	6,000
Joseph Bainbridge,	Forty,	40	40,000
R. P. Wheeler,	Five,	5	5,000
William Wheeler,	Five,	5	5,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Lieut. Herbert William Wood, 4th Regiment Native Infantry,..	Ten,	10	10,000
Charles William Eton, ...	Twelve,	12	12,000
Robert Stephenson, ...	Five,	5	5,000
Peter Carstairs, ...	Five,	5	5,000
The Hon'ble John Sullivan,........	Forty,	40	40,000
Colla Vencatachella Chetty,........	Twelve,	12	12,000
Alexander Inlis Cherry, ...	Twelve,	12	12,000
Alexander Fairlie Bruce, ...	Twenty,	20	20,000
Nicholas Barambeg, ...	One,	1	1,000
Captain James Smith, 1st N. V. Battalion, ...	One,	1	1,000
Surgeon Thomas O'Neill, ...	Ten,	10	10,000
Lieut. Col. Scudamore Winde Steel, ...	Twenty,	20	20,000
Lieut. Col. John Ogilvie, ...	Five,	5	5,000
Robert Franck, ...	Five,	5	5,000
James Minchin, ...	Twenty,	20	20,000
Lieut. Col. George Sandys, 3d Regt. Light Cavalry, ...	Twenty,	20	20,000
Henry Dickenson, ...	Twenty,	20	20,000
William Johnson, ...	Twenty,	20	20,000
Ruthnal Veerasawmy Naidoo, ...	Four,	4	4,000
Thomas Parker Waller, ...	Twelve,	12	12,000
John Kickwick, ...	Four,	4	4,000
Charles Kennett, ...	One,	1	1,000
John Jordan, ...	Two.	2	2,000
The Right Honorable John Lord Elphinstone,..	Fifty,	50	50,000
Thomas Moore Lane, Surgeon, ...	Twelve,	12	12,000
Joseph Browning Pharoah, ...	Two,	2	2,000
John Goldingham, ...	Twenty,	20	20,000
Henry Fox, ...	Four,	4	4,000
William Miller, ...	Five,	5	5,000
Leander Miller, ...	Five,	5	5,000
Captain John Henry Cramer, 2d M. E. Regt. Light Infantry, ...	Five,	5	5,000
Francis Rencontre, ...	Four.	4	4,000
Walter Elliot, ...	Forty,	40	40,000
E. Brennen, ...	Twelve,	12	12,000
Wheeler Hood George Mason, ...	Four,	4	4,000
Montague Robert Taynton, ...	Four,	4	4,000
Theodore Rencontre, ...	Two,	2	2,000
George Gilbert Richardson, ...	Ten,	10	10,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Malcolm Lewin, ...	Fifty,	50	50,000
James William Burnside, ...	Two,	2	2,000
John D'Vaz, ...	Two,	2	2,000
Coopala Ramanjaloo Naidoo, ...	Five,	5	5,000
Kenneth Macaulay, ...	Fifteen,	15	15,000
George Monro Aiskell Storey.	One,	1	1,000
James Lacey Dighton, ...	Twenty,	20	20,000
Lieut. Col. Peter Edmondstone Craigie, H. M's. 55th.	Twenty,	20	20,000
Lieut. Stafford Vardon, Engineers, ...	Five,	5	5,000
Antoine Francois De Colons, ...	Ten,	10	10,000
Surgeon Archibald Shanks, M. D.	Fifteen,	15	15,000
Mrs. K. Chambers, ...	Ten,	10	10,000
William Done Davis, ...	Thirty,	30	30,000
Captain John James McMurdo, 45th Regiment Native Infantry, ...	Two,	2	2,000
Captain Walter William Ross, 17th Regiment Native Infantry, ...	Fifteen,	15	15,000
Captain John Thomas Smith, Engineers, ...	Five,	5	5,000
Apothecary Henry Eason, ...	One,	1	1,000
Lieut. Col. Robert Alexander, ...	Five,	5	5,000
Lieut. Col. George E. Jones, K. H., H. M.'s 57th Regiment, ...	Thirty,	30	30,000
Robert Dean Parker, ...	Five,	5	5,000
Reverend M. Bowie, ...	Four,	4	4,000
Lieut. Col. Joseph Legget, 3d Regt. Light Infantry, ...	Five,	5	5,000
Sir Henry C. Montgomery, Bart, ...	Ten,	10	10,000
Captain Charles Edward Faber, Engineers, ..	Four,	4	4,000
Noothalapauty Boohacarloo Naick, ...	Five,	5	5,000
Captain George Augustus Underwood, Engineers, ...	Twenty,	20	20,000
George Bird, ...	Eight,	8	8,000
Thomas William Nailer, ...	Ten,	10	10,000
Lieut. Col. John Hill Winbolt, 2d Regiment Native Infantry, ...	Ten,	10	10,000
John Horsley, ...	Five,	5	5,000
Captain James FitzGerald, 42d Regt. Native Infantry, ...	Three,	3	3,000
Assistant Surgeon William Rose, ...	Four,	4	4,000
Major Duncan Montgomerie, 7th Regt. Lt. Cav.	Five,	5	5,000
Stewart Forbes, ...	Five,	5	5,000
Henry Kennett, ...	Five,	5	5,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Major John Ward, 39th Regt. Native Infantry,	Two,	2	2,000
Captain Archibald Douglas, 49th Native Infantry,	Twenty-five	25	25,000
F. E. A. Chamier, ...	Five,	5	5,000
Frederick Mortimer Lewin, ...	Ten,	10	10,000
Captain George Logan, 41st Regt. Native Inf...	Five,	5	5,000
Captain Augustus De Butts, Engineers, ..	Two,	2	2,000
Captain Richard Budd, 32d Regt. Native Inf.	Ten,	10	10,000
John Trebeck Conran, Surgeon,...... .. .	Five,	5	5,000
Captain Daniel Duff, 37th Regt. Native Inf., ..	Five	5	5,000
Major William Taylor, 39th Regt. Native Inf.	Ten,	10	10,000
Lieut. Col. James Perry, 31st Regt. Light Inf.	Five,	5	5,000
Capt. Archibald Woodburn, 40th Regt. Nat. Inf.	Five,	5	5,000
Captain Francis Gresley, H. H. Nizam's Army,	Five,	5	5,000
Major Alexander Lawe, Engineers, ...	Five,	5	5,000
The Venerable Henry Harper, A. M. Archdeacon	Five,	5	5,000
John Charles Starkenburgh, ...	One,	1	1,000
Robret Orr Campbell, ...	Four,	4	4.000
Lieut. Col. John James Underwood, Engineers,	Ten,	10	10,000
C. C. Vencatachellum Moodelly, ...	Two,	2	2,000
C. Colenda Moodelly, ...	One,	1	1,000
Stewart Johnson Young, ...	Four,	4	4,000
John Frederick Jennings, Veterinary Surgeon, .	Five,	5	5,000
Major General Francis Whish Wilson, ...	Twenty-five	25	25,000
Major Edward Archdale McCurdy, 27th Regt. Native Infantry, ...	Ten,	10	10,000
Assistant Surgeon James Supple,....	Ten,	10	10,000
Henry Martin Blair, ...	Ten,	10	10,000
Assistant Surgeon James Eaton, M. D.	Twelve,	12	12,000
Thomas W. Goodwyn, ...	Ten,	10	10,000
Assistant Surgeon Alexander Braithwaite Morgan, H. M.'s 55th	Five,	5	5,000
T. Soolochenum Moodelly, ...	Twenty,	20	20,000
Joseph Roberts, ...	Twelve,	12	12,000
Brigadier James Wahab, C. B., ...	Ten,	10	10,000
Mrs. Gertrude E. Williams, ...	Ten,	10	10,000
Surgeon John Brown, M. D., ...	Five,	5	5,000
Thomas Turner, ...	Ten,	10	10,000
David Rous Limond, ...	Ten,	10	10,000
George S. Britain, ...	Twenty-five	25	25,000
Richard Taylor, ...	Fifteen,	15	15,000
Conoor Arnachellum, ...	Seven,	7	7,000

SCHEDULE.—*Continued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
William Bensley Anderson, ...	Ten,	10	10,000
Dr. Alexander Smith, of Bengal, ...	Forty,	40	40,000
Major Westrop Watkins, 36th Regt. Nat. Inf. ..	Ten,	10	10,000
William Anderson, ...	Eight,	8	8,000
Colonel William Cullen, ...	Twenty,	20	20,000
John Rosmal Cocy, ...	Six,	6	6,000
Captain Thomas Larkins, ...	Forty,	40	40,000
George James Casamajor, ...	Thirty,	30	30,000
Patrick Grant, ...	Twenty,	20	20,000
Surgeon Cornelius Desormeux, ...	Two,	2	2,000
Captain John Charles Hawes, 1st M. E. Regt., .	Twenty,	20	20,000
Captain George Leacock, 51st Regt. Nat. Inf. ..	Six,	6	6,000
Gundavady Vencataram Chetty, ...	One,	1	1,000
Rungamah, ...	One,	1	1,000
Major John Wynch, Artillery, ...	Five,	5	5,000
Lieutenant John Ouchterlony, Engineers, ...	Four,	4	4,000
Vurdarajooloo Naicker, ...	Two,	2	2,000
Edward Samual Atkinson, ...	Ten,	10	10,000
Miss Charlotte Eliza Anne Gardner, ...	Five,	5	5,000
Miss Martha Mary Louisa Gardner, ...	Five,	5	5,000
Henry James Gardner, ...	Five,	5	5,000
Captain C. J. Westley, Bombay Army, ...	Ten,	10	10,000
Andrew Robertson, ...	Twenty,	20	20,000
Edward Peters, ...	Twelve,	12	12,000
Lieut. Col. Charles Dennis Dun, 44th Regt. N. I.	Fifteen,	15	15,000
William Elphinstone Underwood,....	Fifteen,	15	15,000
William Waddell, ...	Twenty,	20	20,000
Edward Vincent, ...	Two,	2	2,000
Mrs. Hosanna Arathoon Kerakoose,..	Fifty,	50	50,000
Nathaniel William Kindersley, ...	Ten,	10	10,000
Captain William Henry Simpson, 36th Nat. Inf.	Seven,	7	7,000
Joseph Barrow, ...	Fifteen,	15	15,000
Benjamin Cardozo, ...	Five,	5	5,000
Felix Phillips, ...	Five,	5	5,000
Hew Drummond Elphinstone Dalrymple, ...	Twenty,	20	20,000
Narrain Doss Gopaul Doss, ...	Twelve,	12	12,000
Jevaram Davy, ...	Four,	4	4,000
Captain James Palmer Woodward, 9th Regt. N,I.,	Five,	5	5,000
Gurderdoss Gobindoss, ...	Twelve,	12	12,000
P. Dasekah Charloo, ...	Two,	2	2,000

SCHEDULE.—*Cantinued.*

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Vembaukum Nursingiah, Braminy, ...	Two,	2	2,000
Vembaukum Ragavah Charrier, ...	Two,	2	2,000
Major Frederick Minchin, 47th Regt. Nat. Inf. ..	Twenty	20	20,000
A. Vencatachellum Chetty, ...	Four,	4	4,000
Girdirdoss Vallabadoss.	Twelve,	12	12,000
William Paten, ...	Two,	2	2,000
Miss Maria Paten, ...	One,	1	1,000
Miss Catherine Paten, ...	One,	1	1,000
Miss Louisa Paten, ...	One,	1	1,000
Col. Charles Augustus Elderton, 52d Regt. Nat. Inf.	Ten,	10	10,000
Capt. John Henry Bawden Cougden, 2d Regt. N. I.	Five,	5	5,000
J. Holland, Dy. Qr. Master Gen. Bombay Army,..	Ten,	10	10,000
Lieut. Col. Wm. Martin Burton, Artillery, ...	Five,	5	5,000
Captain Alexander Shirriffs, 21st Regt. N. I.	Five,	5	5,000
Captain Peter Thomas Cherry, 1st Regt. Lt. Cavalry, ...	Five,	5	5,000
Col. Thomas Fiddes, ...	Seven,	7	7,000
			27,00,000

MADRAS.—JUDICIARY.

ACT No. X. OF 1843.

[*Passed on the* 15*th July*, 1843.

1. *Administration of Civil and Criminal Justice and Police and Superintendence of all Revenue affairs in the Districts of Kurnool and Bunganapilly vested in an Agent to be appointed by Government of Fort St. George with assistants similarly appointed.*

2. *Government of Fort St George may prescribe rules for guidance of Agent and his subordinates, and may fix the limit of final Civil jurisdiction and of Appeal: and may define authority of Agent in Criminal trials, and what cases shall be submitted to Foujdaree Udalut.*

3. *On trials referred, Foujdaree Udalut shall pass judgment or pass orders as in cases referred from a Judge of Circuit.*

4. *Civil Appeals to be decided by Sudr Udalut as Appeals from Provincial Courts.*

5. *Government of Fort St. George competent with the previous sanction of the Supreme Government, to make alteration in the limits of the jurisdiction of the Agent.*

An Act for the administration of Justice and Collection of the Revenue in the Districts of Kurnool and Bunganapilly.

I. It is hereby enacted, that from and after the First day of September 1843, the administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within the Districts of Kurnool and Bunganapilly shall vest in such Agent to the Governor of Fort St. George as shall be appointed by the Governor in Council of Fort St. George, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an Appeal shall lie to the Sudr Udalut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Foujdaree Udalut.

III. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Udalut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Judge of Circuit.

IV. And it is hereby enacted, that upon the receipt of any Appeal from a decree of the Agent, duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudr Udalut shall proceed to try and determine it in the same manner as Appeals from the Provincial Courts.

V. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to make from time to time with the previous sanction of the Governor General of India in Council, such alterations in the limits of the aforesaid Districts placed under the jurisdiction of the said Agent, as he may deem expedient.

BOMBAY.—HEREDITARY OFFICES.

ACT No. XI. OF 1843.

[*Passed on the 22d July,* 1843.

1. *Rescinds Sections* 17 *and* 18, *Regulation* 16, 1827.

2. *All Hereditary Officers in the Departments of Land Revenue, Customs, Town Duties, Excise, &c. shall render their services as required by the Collector, &c.*

3. *When the Duties of Hereditary Officers fall in more than one department, the Governor in Council may prescribe what Officer shall control such Office.*

4. *If Hereditary Office is claimed in rotation, the Collector to whom the services are rendered may require the Sharers to nominate from among themselves a fit person to hold the Office as the representative of the family, &c. or in default the Collector may select one.*

5. *Collector may refuse to confirm nomination by the Sharers, if by reason of age, &c. he thinks the nominee unworthy of the trust, &c. subject to an Appeal to the Governor in Council.*

6. 7. *and* 8. *Collector, &c. may punish officiating Hereditary Officer for misconduct, &c. by suspension, &c. by fine, &c.; or* (7.) *by dismissal, under sanction of Governor in Council and* (8.) *on the investigation previous to dismissal, the Collector, &c. shall have same power as a Magistrate in compelling the attendance of witnesses, &c.*

9. *If Hereditary Officer is convicted of fraud, &c. by Sessions Court, the Governor in Council may direct the confiscation of the wuttun, wholly or in part, &c. and appoint person to perform the duties, and direct how proceeds of the wuttun shall be applied.*

10. *No female to perform in person the duties of the office.*

11. *If Hereditary Officer is incapable of personally discharging the duties of the office, &c. by reason of sex, &c. the Collector, &c. shall require his guardian to appoint a Deputy, &c.*

12. *Deputies under this Act, &c. shall be subject to same rules and penalties, &c. as Principals, &c.*

13. *Saves the rights of Sharers, to the rents and profits, after provision has been made for the fit maintenance of the Hereditary Officer, &c.*

14. *Whenever Collector appoints Deputy, he may assign him a remuneration.*

15. *The terms Hereditary District or Village Office or Officers, or Hereditary District or Village Revenue Officer, &c. to apply to all descriptions of Hereditary Officers.*

An Act for regulating the service of Hereditary Officers under the Presidency of Bombay.

Preamble.—Whereas it has been found that the Provisions of Regulation XVI. 1827, of the Bombay Code, are insufficient to secure the efficient discharge of the duties of Hereditary Officers.

I. It is hereby enacted, that Sections 17 and 18 of Regulation XVI. of 1827, of the Bombay Code, be rescinded.

II. And it is hereby enacted, that all Hereditary Officers, of whatever denomination, belonging to, or employed in the management of the Land Revenue or of the Customs or Town Duties, or Excise, or other Revenue, or in the Police, or in the Civil administration of the country, shall render the usual services of their respective Offices, as far as the same may be required by the Collector or other Officer under whose control they may be placed by usage or the orders of Government.

III. And it is hereby enacted, that when the duties of an Hereditary Office fall in more than one Department, it shall be competent to the Governor in Council of Bombay to prescribe what Officer shall be vested with the control of such Office.

IV. And it is hereby enacted, that it shall be competent to the Collector or other Officer to whom the duties of an Hereditary Office are, as provided in Clause 2, to be rendered, when the performance of those duties is claimed in rotation by different shares, to require that the sharers in the wuttun shall nominate a fit and proper person from among their number, who shall hold the Office as the representative of the family either during life, or for such term, not being less in each instance than (five) 5 years, as the Collector or Controlling Officer, shall determine with the sanction of the Governor in Council, and in the event of the sharers not so nominating, when required, one or more of their number within a reasonable period to be fixed by the Collector or Controlling Officer, the Collector or Controlling Officer, shall himself exercise the power of selection, subject to the approval of the Governor in Council.

V. And it is hereby enacted, that it shall be competent to the Collector or Controlling Officer to refuse to confirm the nomination by the sharers of any individual, if he shall have reason to think, that, from age or personal disqualification, the duties of the Office will not be properly performed by him, or if from character and past conduct the person nominated be considered unworthy of trust; provided that the grounds of such refusal shall be recorded in writing, and that an appeal from such decision shall lie to the Governor in Council, whose order thereon shall be final.

VI. And it is hereby enacted, that the Collector or Controlling Officer shall have power to punish Officiating Hereditary officers for misconduct or neglect of duty by suspension from office, pay, and emolument, or by fine not exceeding the computed official emolument of their offices for three months, and to levy the said fine in the mode authorised for realizing revenue demands.

VII. And it is hereby further enacted, that the Collector or Controlling Officer, in cases of misconduct or incompetency on the part of an Officiating Hereditary Officer, shall have power to dismiss such Officer from his employment, but no such dismissal shall take place, except on an investigation recorded in writing, which shall be submitted for the approval and sanction of the Governor in Council.

VIII. And it is hereby enacted, that in conducting the investigation prescribed in the preceding section, the Collector or Controlling Officer shall have the same authority as a Magistrate in compelling the attendence of parties and witnesses, and the production of papers, and in taking evidence.

IX. And it is hereby further enacted, that whenever any such Hereditary Officer shall be convicted of fraud or malversation, or of any Criminal offence in the conduct of the duties of the office by any Sessions Court, it shall be lawful for the said Governor in Council, to direct the confiscation of the wuttun, either wholly or in part, and after such confiscation, the duties of the office shall be performed by such person as the Governor in Council shall appoint, and the surplus proceeds of the wuttun shall be disposed of for the benefit of the parties previously entitled thereto or otherwise in such manner as the said Governor in Council may direct.

X. And it is hereby enacted, that no female shall perform in person the duties of any Hereditary Office.

XI. And it is hereby enacted, that if any Hereditary Officer is incapable of personally discharging the duties of his or her office by reason of sex, minority, mental or bodily infirmity, or manifest incapacity, it shall be lawful for the Collector or Controlling Officer to call upon him or her, or his or her Guardians, to appoint a Deputy, subject to his approval, and on the party or parties failing to appoint a fit Deputy, within a reasonable period, the appointment shall be made by the said Collector or Controlling Officer.

XII. And it is hereby enacted, that all Deputies appointed to perform the duties of Hereditary Offices under this Act, and under Section 4, Regulation V. 1833, of the Bombay Code, shall be subject to the same rules and penalties as the Principals, and that the wuttun of the office shall be liable to confiscation upon the conviction by any Sessions Court of any Deputy appointed by the Hereditary Officer in the same manner as it would be under the 9th Section of this Act upon the conviction of the Hereditary Officer himself.

XIII. And it is hereby enacted, that nothing contained in this Act shall be construed to debar the right of any sharer to participate in the rents and profits of any Hereditary Office so held and filled as above provided, after provision shall have been made therefrom for the fit maintenance of the Officiating Hereditary Officer, for which purpose it shall be competent to the Collector or Controlling Officer to fix and assign a specific portion of such rents and emoluments, leaving the remainder only, subject to the claims of the other sharers,—and further that the portion of the rents and emoluments so fixed and assigned shall be the official remuneration of the Officiating Hereditary Officer, and shall not be liable to Civil process of any Court of Law.

XIV. And it is hereby enacted, that whenever it may be necessary, as herein before provided, that the Collector or Controlling Officer shall appoint a Deputy to conduct the duties of an Hereditary Office, it shall be lawful for him to assign to such Deputy a fit remuneration from the rents and profits of the said office.

XV. And it is hereby enacted, that the terms "Hereditary District or Village Office or Officers," "or Hereditary District or Village Revenue Office or Officers," used in Regulation XVI. 1827, and Regulation V. 1833, of the Bombay Code, shall be held to apply to all descriptions of Hereditary Offices and Officers.

JUDICIAL LANGUAGE.

ACT No. XII. OF 1843.

[*Passed on the 29th July,* 1843.

1. *In Decrees of Sudder Court, &c. the points to be decided, the decision, and reason thereof, injunctions for revision of Decrees, and orders for review of judgment, shall be written in English and signed by the Judges and afterwards translated into the vernacular language, &c.*

2. *Saves the operation of Regulations of Madras and Bombay Codes requiring specified Decrees to be written in English, &c.*

3. *Decrees, &c. of Principal Sudder Ameens, Sudder Ameens, or Moonsiffs shall be written in the vernacular language of such Principal Sudder and Sudder Ameen and Moonsiff, and (as the case may be) translated into the vernacular language of the Court.*

An Act concerning the time at which and the language in which the decisions of the Judges in the Courts of the East India Company are to be written.

Whereas it is expedient, that the decisions of Courts of justice and the reasons for the decision should be written and signed by the Judge, at the time of pronouncing his decision, and in the vernacular language of the Judge;—

I. It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reasons for the decision, and all injunctions for the revision of Decrees in regular suits, and all orders for Reviews of judgment, which shall be passed by Judges of the Sudder Courts, or by Judges of Zillah and City Courts, or by Subordinate or Assistant Judges of Zillahs, shall be written originally in English, and signed by the Judge or Judges at the time of pronouncing such decision and orders, and shall be translated into the vernacular language commonly used in the Court wherein the suit to which the Decree or Order relates, shall have been instituted; and the translation shall be incorporated in the Decree.

II. Provided that nothing in this Act contained shall be construed to repeal or affect any Regulation of the Codes of the Presidencies of Fort St. George and Bombay, by which the Decrees of the Sudder Courts are required to be written in English, nor to repeal or affect any Regulation of the Code of the Presidency of

Fort St. George, by which the Decrees of the Provincial and Zillah Courts and the Auxiliary Courts under Assistant Judges, and the orders of the Sudder Court and Provincial Courts on Petitions presented to them, are required to be written in English.

And whereas it is expedient, that excepting as regards the language to be used, Principal Sudder Ameens, Sudder Ameens and Moonsiffs should be guided by the same rules as are hereinbefore provided for the guidance of the Superior Judges.

III. It is hereby enacted, that in all the Presidencies so much of all decrees as consists of the points to be decided, and the decision thereon and the reason for the decision, which shall be passed by Principal Sudder Ameens, Sudder Ameens, or Moonsiffs, shall be written originally in the Vernacular language of such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, and signed by such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, at the time of pronouncing such decision and, (in case such Vernacular language shall not be the same as the Vernacular language commonly used in the Court wherein the suit to which the decree relates, shall have been instituted) shall be translated into such last mentioned Vernacular language, and the translation shall be incorporated in the decree.

MADRAS.—PUBLIC OFFICERS.

ACT No. XIII. OF 1843.

Passed on the 29th July, 1843.

1. *Repeals Regulations* 3, 1809; 2, 1810; 6, 1818, *and* 8, 1822.

2. *In case of imputation of official misconduct of an Officer subject to Sudr and Foujdaree Adawlut or Board of Revenue, and not removeable without sanction of Government, such Courts or Board may submit documents, &c. and charges, to the Governor in Council, for his consideration.*

3. *Charge or information may be made direct to the said Courts and Board, which may examine complainant on oath, &c. and require the accused to explain or reply, &c.*

4. *Charge, &c. may also be made before Judge, Magistrate or Collector, who shall examine complainant on oath, &c. and transmit deposition to the said Courts or Board respectively, &c.*

5. *The said Courts or Board shall not act upon such charge, &c. unless the complainant makes oath, &c. that he believes it to be true.*

6. *The said Courts or Board may dismiss such charge, &c. when they do not see substantial reason for making further inquiry: but shall also submit the same to the Governor in Council, as provided in Section 2.*

7. *The said Courts and Board may require from the person preferring the charge, &c. security for its prosecution, and may stay proceedings until such security shall be given.*

8. *The said Courts and Board may act in any matter of the kind mentioned in the second Section which shall appear in the course of any proceedings or otherwise before them respectively, or institute inquiry upon oath, &c. for the purpose of such reference to the Governor in Council.*

9. *The Governor in Council, may appoint a Commissioner to make formal inquiry, if upon such reference, &c. he deem it necessary to institute proceedings against the Officer.*

10. *The Governor in Council, upon appointment of Commission, shall direct whether it shall be under the control of the said Courts and Board or of Government.*

11. *The Commissioners shall take an oath. Form of oath.*

12. *The Governor in Council shall determine whether the prosecution shall be left to the accuser or be undertaken on the part of Government, and if the latter, shall nominate persons to conduct the prosecution.*

13. *Commissioners, after receiving plaint, &c. shall call on accused for his reply, examine witnesses, receive documentary proofs and call for further evidence, &c.*

14. *Commission shall have the same powers as Zillah Courts, except that process, &c. shall be served and executed by the Zillah Judge.*

15. *At the close of the evidence, the accused and accuser may record observations in defence and support of prosecution respectively.*

16. *After their conclusion the Commissioner shall submit the proceedings, accompanied with translations of papers not in English, together with a summary of the pleadings and evidence and his opinion, to the Governor in Council or (as the case may be) to the Controlling Court or Board.*

17. *The Governor in Council or Controlling Court or Board may direct the Commissioner to take further evidence or to give further explanations of his opinion, &c.*

18. *The said Courts or Board shall submit proceedings, &c. received by them, to Government, together with their opinion.*

19. *Governor in Council shall determine whether the accused Officer shall be suspended, and if so, whether he shall draw his allowances or not.*

20. *The Governor in Council, on consideration of the report and proceedings submitted to him, will pass such decision as he may deem just, &c. and may direct public prosecution, &c. Proceedings under this Act not to affect the right of parties aggrieved to proceed against public Officer.*

An Act for regulating inquiries into the truth of matters implicating the public conduct of officers not removeable without the

sanction of Government within the Presidency of Fort St. George, in Madras.

Whereas it is expedient to amend the provisions contained in the Regulations concerning inquiries into the truth of matters implicating the public conduct of European Officers, and to extend the same to all Officers not removeable without the sanction of Government.

I. It is hereby enacted, that Regulations III. of 1809, II. of 1810, VI. of 1818, and VIII. of 1822, of the Madras Code, be repealed.

II. And it is hereby enacted, that in the Territories subject to the Presidency of Fort St. George in Madras, whenever either the Courts of Sudr and Foujdaree Adawlut, or the Board of Revenue, shall be of opinion that substantial grounds exist for making a regular and formal inquiry into the truth of any imputation of official misconduct affecting any officer subject to their control respectively, and not removeable without the sanction of Government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges reduced to distinct articles which they may propose to be made the subject of a regular investigation to the Governor in Council of Fort St. George, for his consideration and orders.

III. And it is hereby enacted, that any charge or information, of the description aforesaid, may be preferred direct to the Courts of Sudr and Foujdaree Adawlut, or to the Board of Revenue, respectively, who shall examine the complainant or informant circumstantially upon Oath, or upon selemn affirmation if he be entitled to be exempted from taking an Oath, and require the party accused to explain or reply to any matters they may deem to need explanation and make such further inquires, upon Oath or affirmation upon the subject as they may judge proper.

IV. And it is hereby enacted, that any charge or information may also be made before any Judge, Magistrate, or Collector, for any acts of the description beforementioned committed within their jurisdiction respectively, who shall examine the complainant or informant circumstantially upon Oath, or upon solemn affirmation if he be entitled to be exempted from taking an Oath, and shall transmit the deposition so taken to the Sudr and Foujdaree Adaw-

lut, or to the Board of Revenue, according as the person accused may be subject to those Authorities respectively.

V. And it is hereby provided, that it shall not be lawful for the Courts of Sudr and Foujdaree Adawlut, or the said Board, respectively, to act upon any such charge or information, unless the person preferring the same shall make oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And it is hereby provided, that it shall be lawful for the Courts of Sudr and Foujdaree Adawlut, and for the said Board, respectively to dismiss any such charge or information, where they do not see any substantial reason for entering further into the inquiry; provided that on every occasion when they shall dismiss any such charge or information, they shall submit the same, together with all the circumstances of the case, in like manner as is provided in Section 2 of this Act.

VII. And it is hereby provided, that the said Courts of Sudr and Foujdaree Adawlut, and the said Board, respectively, may, at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable that he will attend and prosecute the charge to a conclusion, and in the event of security being so required all proceedings shall be stayed until the same shall be furnished accordingly.

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid, affecting such Officer as is mentioned in the second Section of this Act, shall appear in the course of any proceedings, whether preliminary or otherwise, which shall come before or be reported to either of the Courts of Sudr and Foujdaree Adawlut, or the said Board, respectively, those authorities shall act upon such matter, or institute such inquiry upon oath or affirmation as aforesaid into the same as they shall deem proper, for the purpose of such reference as aforesaid to the Governor in Council of Fort St. George, although no charge or information be preferred as aforesaid: and in such cases it shall not be necessary before acting upon or instituting any inquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And it is hereby enacted, that if the Governor in Council of Fort St. George, upon such reference as is mentioned in the second Section of this Act, shall concur with the Authority by which it may be submitted, or if such Governor in Council shall, from information of the description aforesaid that may be laid before him in respect of any Officer not directly subject to the Courts or Board above named, deem it necessary to institute proceedings against any such Officer, he shall appoint a Commissioner or Commissioners for making a regular and formal inquiry into the truth of the matters referred.

• X. And it is hereby enacted, that on the appointment of every such Commission, the said Governor in Council shall direct whether the Commission shall be placed under the control of any of the Authorities aforesaid, or shall act immediately under the authority of Government, and all Commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the Government.

XI. And it is hereby enacted, that the Commissioner or Commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following Oath:

I, A. B., Commissioner for the purpose of (here state the object of the Commission) do solemnly swear that I will faithfully and impartially perform the duty committed to me without fear, favour, or bias, to the best of my ability, knowledge, and judgment; so help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a Special Commission, the said Governor in Council will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the said Governor in Council will nominate such person or persons as may be deemed proper, to conduct the prosecution on behalf of Government.

XIII. And it is hereby enacted, that it shall be the duty of Commissioners appointed under this Act, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation, to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused; to receive any fur-

ther written documents offered in support of, or against the accusation; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges or of any part thereof.

XIV. And it is hereby enacted, that for the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a Commission under this Act, such Commission shall be vested with the same powers as are exercised by the Zillah Courts, except that all processes to cause the attendence of witnesses, or other compulsory process, shall be served through the Zillah Judge in whose jurisdiction the Commission may be held, and executed by the Zillah Judge in whose jurisdiction the witness, or other person upon whom the process is to be served may reside.

XV. And it is hereby enacted, that on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observation upon the result of the inquiry which he may think necessary for the vindication of his conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

XVI. And it is hereby enacted, that as soon after the conclusion of the proceedings as circumstances shall permit, the Commissioner or Commissioners shall, when the Commission shall be instructed to Act immediately under the authority of Government, submit directly to the Government to which he or they may be subordinate, and in other cases to the Controlling Court or Board, the proceedings under the Commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor in Council, or the Controlling Court or Board, upon consideration of the report of any such Commission as

aforesaid to direct the Commissioner or Commissioners to take further evidence, or to give further explanation of his or their opinions connected with the case investigated, and the Commissioner or Commissioners are authorized and required to take such further evidence, and to give such further explanation.

XVIII. And it is hereby enacted, that the Sudr and Foujdaree Adawlut, or the Board to which any report of a Commissioner or Commissioners may be submitted as aforesaid after due consideration of the same and after obtaining such further evidence or explanations as they may require, shall submit the whole of the proceedings and documents received by them to the Government, together with their opinion whether any and what charges have been established against the accused.

XIX. And it is hereby provided, that whenever a special Commission may be appointed under the provisions of this Act, the said Governor in Council will determine, on a view of the nature and circumstances of the case, whether the accused officer shall be suspended from the discharge of the functions of his office; and if so, whether he shall be permitted to draw the established allowances of his office, or otherwise.

XX. And it is hereby provided, that the Governor in Council, on consideration of the report and proceedings submitted to him in pursuance of sections 16 and 18, of this Act, will pass such decision on the case as may appear to him most consonant to the principles of justice and consistent with the powers possessed by Government in matters of this description, and in the event of his deeming it necessary that the party accused should be brought to trial by a public prosecution before a competent Court of Law, will issue the necessary instructions for that purpose to the Law Officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any Public Officer, will be at at all times at liberty to seek redress according to the ordinary forms prescribed by law.

NORTH-WESTERN PROVINCES.—CUSTOMS.

ACT No. XIV. OF 1843.

[*Passed on the 5th August,* 1843.

1. *Repeals Regulation* 16, 1829, *Act* 2, 1838, *part of Regulation* 9, 1810, *and other stated parts of other Regulations.*

2. *Fixes the Tariff of Customs upon the import and export of specified articles, viz. Salt, Cotton, Misree, Kund, Chenee, (Sugar,) Goor, Rab, Sheerah, and Saccharine Produce.*

3. *The Government may make orders for the Collection of the duties, to take effect from being notified in the Gazette.*

4. *Prohibits the manufacture of alimentary Salt without the express sanction of Government. Persons engaging in such manufacture, or preparing, &c. works for such manufacture, without such sanction, &c. shall be fined* 500 *Rupees, and on non payment, imprisoned not exceeding six months. Illicit Salt Works, &c. to be destroyed and Salt in store seized.*

5. *Collectors of Customs and Land Revenue, may destroy Salt Works, seize the Salt in store, and apprehend persons concerned in its manufacture and send them to Magistrate for trial.*

6. *Sugar imported into the North Western Provinces, and all articles imported or exported without payment of the duties, &c. and all Boats, &c. used in transporting the same, may be seized and confiscated in manner specified.*

7. *Persons evading, &c. the payment of duties, or otherwise contravening this Act, may be fined not exceeding* 500 *Rupees, and on non-payment be imprisoned six months, &c.*

8. *Customs Officers may search Carriages &c. upon reasonable grounds of suspicion that they contain prohibited articles, &c.*

9. *Officers making seizures shall report the same for the determination of the Commissioner of Revenue, who may declare articles seized to be confiscated, or impose lesser penalty.*

10. *Customs Officers may seize persons on reasonable grounds of suspicion that they are liable to punishment under this Act, and shall make them over for trial to the Magistrate.*

11. *Officers searching Carriages, &c. without reasonable grounds of suspicion, may be fined not exceeding* 250 *Rupees, and on non-payment be imprisoned not exceeding three months; and officers seizing persons without reasonable cause may be fined* 500 *Rupees, and on non-payment be imprisoned not exceeding six months.*

12. *All Magistrates, &c. or persons exercising the powers of Magistrates may receive, &c charges under this Act, sentences under which shall be open to appeal, &c.*

13. *Enjoins Officers of Police, &c. to aid in the execution of this Act.*

14. *This Act not to apply to the Saugor and Nerbudda Territories or the District of Ajmere.*

An Act for regulating the levy of Customs Duties, and the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal.

I. It is hereby enacted, that Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and of any other Regulation and Act, as affects the Collection of Customs Duties, or the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal, shall be repealed from the 1st day of September, 1843.

II. And it is further enacted, that from and after the day abovementioned, the following and no other Duties of Customs shall be leviable upon the Import and Export of Articles into and from the North Western Provinces of the Presidency of Bengal, that is to say:—

On the import of Salt, of all descriptions, two Rupees per Maund, and a further duty of one Rupee per Maund on the transmisson thereof to the Eastward of Allahabad.

On the Import of Cotton, uncleaned, four annas per Maund; cleaned, eight annas per Maund.

On the Export of Misree, Kund, Chenee and all clayed and refined Sugar, eight annas per Maund; Goor, Râb, Sheerah, and all unclayed and unrefined Saccharine produce, three annas per Maund.

The Import of Sugar into any part of the said Provinces, is and shall remain prohibited.

III. And it is further enacted, that it shall be lawful for the Government of the said Provinces from time to time to make and issue such orders as may be deemed expedient for the Collection of the aforesaid Duties in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act from the date notified in the Gazette, wherein they shall be published.

IV. And it is further enacted, that from and after the First day of September, 1843, the manufacture of alimentary Salt throughout the North Western Provinces of the Presidency of Bengal

without the express sanction of the Government, is prohibited; and that any person engaging in the manufacture of such Salt, or preparing or causing to be prepared works for the manufacture of such Salt, without such sanction, and all Zemindars or other proprietors of land, or their Agents, conniving at such illicit manufacture, shall, on conviction by the Magistrate, within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment of such fine, by imprisonment not exceeding six months with or without hard labor, and that all works at which such manufacture shall have been conducted, or which are designed for such manufacture shall be destoyed, and any Salt which may be manufactured or stored thereat, shall be seized and confiscated.

V. And it is further enacted, that it shall be lawful for the Collectors of Customs and the Collectors of Land Revenue within their jurisdictions, to destroy all works for the manufacture of salt, and to seize the salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the Magistrate within the limits of whose District the offence may have occurred.

VI. It is further enacted, that all sugar imported into the said provinces, and all articles imported or exported without payment of the duties imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all Boats, carriages and conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.

VII. And it is further enacted, that all persons evading or attempting to evade the payment of the duties imposed by this Act, and all persons aiding or abetting such attempts or evasions, or in any manner acting in contravention of this Act, or of any order made and issued under the provisions thereof, and all Zemindars and other Proprietors of land, or their agents, who shall wilfully connive at such attempts or evasions or aid such acts, shall on conviction by the Magistrate within the limits of whose District the offence may have occured, be punished by a fine not exceeding 500 Rupees, and on non-payment thereof by imprisonment not exceeding six months with or without hard labor.

VIII. And it is further enacted, that it shall be lawful for all Officers of the Customs Department to search any carriages and conveyances and any packages upon reasonable grounds of suspicion that such carriages, conveyances or packages, contain any articles made subject to duty or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.

IX. And it is hereby enacted, that whenever any articles or goods shall be seized or detained under the provisions of this Act, the Collector or Deputy Collector of Land Revenue or Customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue, and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.

X. And it is hereby enacted, that it shall be lawful for all Officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose jurisdiction the offence may occur.

XI. Provided always, that any Officer of the Customs Department who shall without reasonable grounds of suspicion search any carriage or conveyance or any package, shall upon conviction thereof before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 250 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding three months; and provided also, that any Officer of the Customs Department who shall, under color of this Act, apprehend any person without reasonable grounds of suspicion that such person is liable to punishment under this Act, shall, upon conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 500 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding six months.

XII. And it is hereby enacted, that all Magistrates, or persons exercising the powers of Magistrate, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act, and that all sentences passed in pursuance of the Act, shall be open to appeal under such Rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.

XIII. And it is hereby enacted, that all Officers of Police, and all Officers of the Government engaged in the Collection of the Land Revenue, are empowered and required to aid and assist the Officers of the Customs Department in the execution of this Act.

XIV. And it is further enacted, that nothing in this Act contained shall apply or be deemed to apply to the Saugor and Nerbudda Territories, or to the District of Ajmere.

UNCOVENANTED AGENCY.

ACT No. XV. OF 1843.

[*Passed on the 5th August,* 1843.

1. 2 *and* 3. *Local Governments may appoint in any Zillah, &c. one or more uncovenanted Deputy Magistrates, who,* (2.) *shall make a declaration according to Act* 21, 1837, *and* (3.) *may be employed as judicial officers, or of Police, or both. As a judicial officer he shall exercise powers of a covenanted assistant or Magistrate &c. subject as to appeals to same orders as Covenanted Assistant, &c. or Magistrate, &c.*

4. *Saves the right of uncovenanted Revenue or Judicial Officer to hold other office than that of Deputy Magistrate.*

5. *Deputy Magistrate under this Act not to be dismissed for misconduct without sanction of Local Government. Local Magistrate may report to Local Government the case of Deputy Magistrate with a view to his suspension and dismissal.*

6. *No native, nor natural born subject, is by reason only of his religion, place of birth, descent or color, disabled from holding the office of Deputy Collector, &c.*

An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.

Whereas the exigencies of the public Service require that the Police and Criminal Branch of the Judicial Department should be

strengthened by the more extensive employment of Uncovenanted Agency.

I. It is hereby enacted, that it shall be competent to the Local Governments of both Divisions of the Bengal Presidency to appoint in any Zillah or District one or more Uncovenanted Deputy Magistrates with the powers hereinafter specified.

II. And it is hereby enacted, that every person appointed to the Office of Deputy Magistrate under this Act, shall, previously to entering upon the execution of the duties of his Office, make and subscribe before the Magistrate of the District to which he may be appointed, a declaration according to Act XXI. 1837.

III. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall be capable of being employed as a Judicial Officer or as an Officer of Police, or both, at the discretion of the Local Government. As a Judicial Officer he shall exercise the powers of a Covenanted Assistant under Regulations XIII. 1797, IX. 1807, or III. 1821, or the full powers of a Magistrate according to such orders as may from time to time be issued in that respect by the Local Government, and in such cases he shall be subject to such authority in regard to Appeals from his decisions and judicial orders as is provided for the decisions and orders of a Covenanted Assistant under the above Regulations, or of a Magistrate respectively. As an Officer of Police he shall be in all respects subordinate to the Magistrate under whom he may be placed; he shall exercise such powers as the Government, or the Magistrate with the sanction of Government, may commit to him, and shall obey all orders that may be issued, and perform all duties that may be assigned to him by that functionary, who shall be at all times competent, subject to such orders as he may receive from the Local Government, to extend, limit or resume the powers committed to such Deputy.

IV. And it is hereby enacted, that nothing in this Act contained shall be held to disqualify any Uncovenanted Officer in the Revenue and Judicial Departments, from holding at the same time with any other Office, the Office of Deputy Magistrate.

V. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall not be dismissed from office for

misconduct, without the sanction of the Local Government. Whenever there may be reason to believe that a Deputy Magistrate is disqualified by neglect, incapacity or corruption for continuance in office, a report shall be submitted by the Local Magistrate for the consideration and orders of the Local Government which shall be competent to suspend him, and order a further enquiry into his conduct, or to direct his immediate dismissal as may appear just and proper.

VI. And it is hereby declared, that no native of the Territories subject to the Government of the East India Company, nor any natural born subject of Her Majesty resident therein is, by reason only of his religion, place of birth, descent, color, or any of them disabled from holding the office of Deputy Collector under Regulation IX. of 1833.

BENGAL.—POLICE.

ACT No. XVI. OF 1843.

[*Passed on the 12th August,* 1843.

Repeals Sections 2, 3, *Reg.* 9, 1808, *and Section* 16 *and* 17, *Reg.* 16, 1810.

An Act regarding the offering of rewards for the apprehension of offenders.

Whereas inconvenience has been experienced from the rules in force, which provide that Magistrates shall apply to the Courts of Sudder Nizamut Adawlut and the Courts of Circuits, or Courts exercising the powers of Old Courts of Circuit when it may appear advisable to offer a reward for the apprehension of a known offender, or the discovery of unknown offenders in cases of magnitude. And whereas it is expedient that all such applications should be made to such Officer or Officers as from time to time may be empowered by the Local Governments to authorize the grant of rewards;

It is hereby enacted, that Sections 2 and 3, Regulation IX. of 1808, and Sections 16 and 17, Regulation XVI. 1810, of the Bengal Code, be and the same are hereby repealed.

OFFICIAL TRUSTEES.

ACT No. XVII. OF 1843.

[*Passed on the* 19*th August*, 1843.

1. *In all cases in which property is subject to any trust, and there is no Trustee willing or capable to act, the Supreme Court, on petition, may appoint the Registrar or other Officer of the Court, as Official Trustee, in whom, when appointed, the property shall vest, &c.*

2. *Such officer shall cause the property to be invested in Government Securities or otherwise as the Court may direct, and he shall be paid a Commission of one per cent.*

3. *The Court may make orders respecting the property on petition, unless it directs a bill to be filed.*

4 *This Act not to prevent the re-transfer of the property to original Trustees, &c as the Court shall direct.*

5. *Where Infant or Lunatic shall be entitled to Gift or Legacy, &c. the Executor, &c. may transfer the same to the Official Trustee, &c*

6. *This Act, except as to the Commission, shall extend to property of Infants or Lunatics in the hands of Ecclesiastical Registrar as Official Administrator.*

An Act for the appointment of Official Trustees in certain cases.

Whereas the property of Infants, Feme Coverts and others vested in Trustees, is exposed to peculiar risks and burthens in the Territories subject to the Government of the East India Company, not only from the Insolvency of Trustees, but from the frequent difficulties occasioned by their death, or absence, or refusal or incapacity to act.

I. It is hereby enacted, that in all cases in which any property is subject to any Trust, and there shall be no Trustees willing to Act, or capable of acting within the jurisdiction of Her Majesty's Courts in the said Territories, it shall be lawful for the Supreme Court of each of the Presidencies in the said Territories, on petition to appoint the Registrar, or such other Officer of the Court, as the Court may from time to time select, as the Official Trustee, under the provisions of this Act to be a Trustee of such property, and that upon such appointment such property shall vest in such Officer and his successors in office, and shall be held by them upon the same Trusts as the same was held previous to such appointment.

II. And it is hereby further enacted, that such Officer shall cause such Property to be invested in Government Securities or

otherwise, as the Court shall direct, and that he shall be entitled to a commission of one per cent. upon the amount thereof.

III. And it is hereby further enacted, that it shall be lawful for the Court to make any orders repecting such Property so vested in such Official Trustee or the Interest or Produce thereof, and that all such orders shall be made on petition unless the Court shall direct a Bill to be filed.

IV. And it is hereby provided, that nothing in this Act contained shall prevent the re-transfer of the said Property to the original or any subsequently appointed Trustees or otherwise, as the Court shall direct.

V. And it is hereby further enacted, that where any Infant or Lunatic shall be entitled to any Gift, or Legacy, or Residue, or Share thereof, it shall be lawful for the Executor or Administrator, by whom such Legacy or Residue may be payable or transferrable, or the party by whom such Gift shall be made, or any Trustee thereof, to pay or transfer the same to the Official Trustee appointed under this Act, and that the receipt of such Official Trustee shall be a discharge for the same, and that the same shall be subject to the like provisions as are contained in this Act, as to other Property vested in such Official Trustee under the provisions thereof.

VI. And it is hereby further enacted, that the provisions of this Act, except as to the Commission to be allowed under the same, shall extend to any Property of Infants or Lunatics in the hands of the Ecclesiastical Registrar of each of the said Courts as Official Administrator.

THUGGEE AND DACOITY.

ACT No. XVIII. OF 1843.

[*Passed on the 9th September*, 1843.

The Local Government may authorize the reception and detention for the period specified, of persons sentenced to imprisonment or transportation for Thuggee, Dacoity, &c., in the territories of any native prince, &c. if such sentence has been pronounced after trial before a tribunal in which a Covenanted Servant is one of the presiding Judges, &c.

An Act for the better custody of persons, convicted of Thuggee and Dacoity.

Whereas it often happens that the offence of Thuggee and Dacoity are committed by gangs, as well within the Territories subject to the Government of the East India Company, as in those of Native Princes or States in alliance with the said Company, and it may be necessary for the safety of persons and property within the Territories subject to the Government of the East India Company, that persons convicted of the like offences within the Territories of such Princes or States, should be kept in secure custody, which cannot always be done within the last mentioned Territories.

It is hereby enacted, that it shall be lawful for the local Government of any part of the Territories subject to the Government of the East India Company, to authorize the reception and detention in any part of those Territories, for the periods specified in their respective sentences, of persons sentenced to imprisonment or transportation for the offences of Thuggee, Dacoity, or the offences of belonging to any gang of Thugs or Dacoits, within the Territories of any Native Prince or State in alliance with the said Company. Provided always that such sentences shall have been pronounced after trial before a tribunal, in which a covenanted servant of the East India Company, duly authorized in that behalf by such Prince or State, shall be one of the presiding judges. And it is hereby enacted, that every servant of the East India Company so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

REGISTRATION.

ACT No. XIX. OF 1843.

[*Passed on the 28th October*, 1843.

1. *Repeals Act No.* 1, 1843, *except so far as it repeals provisions touching knowledge or notice of the existence of unregistered instruments, &c.*

2. *Deeds of sale or gift of real property, if registered, shall invalidate other deeds of sale or gift which have not been registered, &c. and registered deeds of mortgage, and certificates of discharge of incumbrance shall be satisfied in preference to any other, &c.*

3. *No conveyance, &c. affecting title to land other than such deed or certificates as aforesaid shall be void for want of registration.*

An Act for amending the law respecting the registration of certain Deeds.

Whereas doubts have risen as to the true meaning and construction of Act No. I. of 1843.

I. It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay Codes, touching the knowledge or notice had by parties to registered conveyances and other instruments affecting titles to land and other interests therein, of the existence of unregistered conveyances or other instruments affecting such titles or other interests therein.

II. And it is hereby enacted, that from the First day of May last past, every deed of sale or gift of lands, houses or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed—and that from the said day every deed of mortgage on land, houses and other real property as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed

prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always that nothing in this Section contained shall be construed to extend to any deed or certificate made before the said First day of May last past

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land, or any interest in the same, whether made before or after the said First day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration, any Act, Regulation or Law to the contrary notwithstanding.

THE GOVERNOR GENERAL.

ACT No. XX. OF 1843.

[*Passed on the* 30*th October*, 1843.

1. *Governor General absent from Council may exercise all the powers except that of making Laws and Regulations which may be exercised by Governor General in Council.*

2. *Act to commence from notified day of Governor General having quitted Calcutta.*

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. Whereas it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

EMIGRATION.

ACT No. XXI. OF 1843.

[*Passed on the* 11*th November*, 1843.

1. *Emigration to Mauritius after* 1*st January*, 1844, *to take place only under Act No.* 15, 1842, *from Calcutta.*

2. *Governor General in Council may nominate a Protector of Emigrants at Calcutta, and no Emigrant shall embark without a certificate, &c. that he has been engaged as an Emigrant on the part of Government.*

An Act for regulating the Emigration of Labourers from India to Mauritius.

I. Whereas it has been represented that the demands of the Island of Mauritius for Agricultural labour will, by the end of this year, be greatly diminished, and it is desirable that effectual measures should be adopted for providing a larger proportion of Female Emigrants to that Island than has been procured under the present system of Emigration; it is therefore enacted, that from and after the first day of January next ensuing, Emigration to Mauritius shall only lawfully take place under the provisions of the Act No. XV. of 1842, from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor General in Council to nominate a proper person to Act as Protector of Emigrants at Calcutta, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

BENGAL.—JURISDICTION OF ZILLAH COURTS.

ACT No. XXII. OF 1843.

[*Passed on the* 18*th November*, 1843.

Repeals recited part of Section 17, *Regulation* 3, 1793.

An Act for amending the Law relating to the jurisdiction of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs.

Whereas by Section 17, of Regulation III. of 1793, of the Bengal Code, it was, amongst other things, provided that the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs should not receive or entertain any suit whatever against a person who might be an inhabitant of Calcutta at the time the suit might be instituted, or might become a resident within the limits of the Town after the suit might be commenced.

And whereas inconvenience has arisen in consequence of persons escaping from the jurisdiction of the Dewanny Adawlut of the said Zillah of the Twenty-four Pergunnahs after suits have been commenced therein, and it is expedient to prevent such inconvenience:

It is therefore hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed.

BENGAL.—JURISDICTION OF ZILLAH COURTS.

ACT No. XXIII. OF 1843.

[*Passed on the* 18*th November*, 1843.

Repeals recited parts of Section 12, *Regulation* 2, 1803, *and of Regulations extending the same.*

An Act for amending the Law relating to the jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other places.

Whereas by Section 12, of Regulation II. of 1803, of the Bengal Code, it was, amongst other things, provided, that the Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Honorable the East India Company, should not entertain any suit whatever against any individual actually resident, or being within the limits of the Town of Calcutta unless such suit should relate to real property situated without the limits of Calcutta or to the Public Revenue.

And whereas so much of the said Regulation as is hereinbefore recited has been extended by other Regulations to other Provinces, Zillahs and Pergunnahs:

And whereas the provisions of the hereinbefore recited part of the said Regulation are inconvenient:

It is hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed, as well with regard to the Provinces ceded by the Nawaub Vizier to the East India Company, as to the other Provinces, Zillah and Pergunnahs to which it may have been extended.

DACOITY.

ACT No. XXIV. 1843.

[*Passed on the* 18*th November*, 1843.

1. *Persons proved to have belonged to any gang of Dacoits, &c. shall be transported for life, or imprisoned for any less term with hard labor.*
2. *Person accused of Dacoity with or without murder, or of having belonged to a gang of Dacoits, or of the offence of receiving, &c. property stolen, &c. by Dacoity, may be Committed and tried by any Court competent, &c.*
3. *On trial of offences specified in this act no futwa shall be required.*

An Act for better prevention of the crime of Dacoity.

Whereas it has been considered necessary to adopt more stringent measures for the conviction of professional Dacoits, who belong to certain tribes, systematically employed in carrying on their lawless pursuits in different parts of the country, and for this purpose to extend the provisions of Acts XXX. of 1836, XVIII. of 1837, and XVIII. of 1839, for the prevention of Thuggee, to persons concerned in the perpetration of Dacoity.

I. It is hereby enacted, that whosoever shall be proved to have belonged either before or after the passing of this Act, to any gang of Dacoits, either within or without the Territories of the East India Company, shall be punished with transportation for life, or with imprisonment for any less term with hard labor.

II. And it is hereby enacted, that any person accused of the offence of Dacoity with or without murder, or of having belonged to a gang of Dacoits, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Dacoity, may be committed by any Magistrate within the Territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. And it is hereby enacted, that no Court shall, on trial of the offences specified in this Act, require any Futwa from any Law Officer.

FOREIGN MANUFACTURES.

ACT No. XXV. OF 1843.

[*Passed on the 23d November* 1843.

Articles, &c. of Foreign Manufacture imported into the Territories of the E. I. Co. bearing names, brands, or marks purporting to be of manufacturers resident in the United Kingdom, shall be forfeited.

An Act for making the provisions of 5 and 6, Vic. C. 47, Sec. XI. applicable to India.

Whereas doubts have arisen as to whether so much of an Act passed in the 5th and 6th years of the reign of Her Majesty Queen Victoria, entitled " An Act to amend the laws relating to the Customs," as provides " that from and after the 5th day of January, 1843, any articles of Foreign Manufacture, and any packages of such articles imported into the United Kingdom or into the British possessions abroad bearing any names, brands or marks purporting to be the names, brands or marks of manufacturers resident in the United Kingdom, shall be forfeited," is applicable to the Territories subject to the Government of the East India Company :

It is hereby enacted, that from and after the First day of May 1844, any articles of Foreign Manufacture, and any packages of such articles imported into the Territories subject to the Government of the said Company, bearing any names, brands or marks, purporting to be the names, brands or marks of manufacturers resident in the United Kingdom, shall be forfeited.

MADRAS—NABOB OF THE CARNATIC.

ACT No. I. OF 1844.

[*Passed on the* 20*th January*, 1844.

1. *The Governor in Council may publish lists of the names of persons belonging to the family, &c. of His Highness the Nabob of the Carnatic and Regent for the time being, who are exempted from Civil and Criminal process.*

2. *No writ or process shall be sued out or executed against the person or property of any person named in such list without the consent of the Governor in Council.*

3. *The Governor in Council to furnish copies of such list to the Governor General of India in Council, &c.*

4. *This Act not to be considered as explanatory or as enlarging or restricting the operation of any Treaty, and all privileges, &c. belonging to the Nabob, &c. under any Treaty to be enjoyed and held independently of this Act.*

An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, His Family and Retinue.

Whereas questions have lately been raised as to the liability of persons of the Family, Household and Retinue of His Highness the Nabob of the Carnatic to the process and jurisdiction of Courts of justice, and it is deemed expedient that provision should be made for protecting by legislative enactment, under the qualifications hereinafter mentioned, certain individuals of the Family, Household and Retinue of His said Highness from any such liability, and from claims and litigation to establish any such liability:

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George to publish, from time to time, in the Gazette at Madras, lists containing the names of persons belonging to the Family, Household or Retinue of His Highness the Nabob of the Carnatic, or of the Nabob Regent for the time being, who are to be entitled under this Act to privilege from Civil and Criminal process, and also from time to time to revise and alter such lists and publish in the Gazette as aforesaid new lists of the persons entitled for the time being to such privilege, and the list which shall have been last so published shall be the list which for the time being shall be in force and effect for the purpose of this Act.

II. And it is hereby enacted, that no Writ or Process shall at any time be sued forth or prosecuted against the person, goods or

property of His Highness the Nabob of the Carnatic, or of the Nabob Regent for the time being, or of any person whose name shall be included in any list so published in the Gazette as aforesaid, and which for the time being shall be in force and effect for the purpose of this Act, unless such Writ or Process shall be so sued forth or prosecuted with the consent of the Governor in Council of Fort St. George first had and obtained, such consent to be testified by the signature of the Secretary, or one of the Secretaries of Government, and that any Writ or Process which shall at any time be sued forth or prosecuted against the person or goods or property of His said Highness, or of the Nabob Regent, or of any such person as aforesaid, without such consent as aforesaid, so testified as aforesaid, shall be utterly null and void.

III. And it is hereby enacted and directed, that the said Governor in Council of Fort St. George shall from time to time cause to be furnished to the Governor General of India in Council copies of any and every list which shall be so published as aforesaid, and shall conform to and follow any directions which he may from time to time receive from the Governor General of India in Council respecting the persons to be included in any such list from time to time, and otherwise with respect to the matters which are the subject of this Act. And also that the said Governor in Council of Fort St. George shall from time to time cause every list, which shall be published in the Gazette as aforesaid, to be also otherwise published in such manner as shall be deemed proper and sufficient for the purpose of making the same generally known

VI. And it is hereby enacted and provided, that this Act shall not be construed or be held to be in any way declaratory or explanatory of the meaning or effect of any Treaty made or entered into with His Highness the Nabob of the Carnatic, and shall not be construed either to enlarge or restrict the operation of any such Treaty, and that independently of this Act His Highness the Nabob of the Carnatic and the Nabob Regent for the time being, and their respective families, dependants, and retinue shall be entitled to claim, maintain and enjoy any privilege which by virtue of any such Treaty or otherwise they may be rightfully entitled to.

APPEALS TO HER MAJESTY IN COUNCIL.

ACT No. II. OF 1844.

[*Passed on the 17th February,* 1844.

1. *In cases of Appeal to the Queen in Council from the Courts of Sudder Dewanny Adawlut, the expense of preparing two copies of all the proceedings and including the evidence and documents, and of translating the same, shall be defrayed by the appellants.*

2. *The said Courts to require a deposit by the appellant for such expense, and until deposit made, the Appeal not to be admitted.*

An Act respecting the Expenses of preparing Copies of Proceedings in Appeals.

Whereas it is just and necessary that the expense of preparing copies in the English Language of the proceedings in cases appealed to the Queen in Council, as now required by Section 5, Regulation XVI. 1797, and Section 34, Regulation V. 1803, of the Bengal Code, Section 5, Regulation VIII. of 1818, of the Madras Code, and Clause 6, Section 100, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those Appeals.

I. It is hereby enacted, that in all cases of Appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expence of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English Language such of the aforesaid proceedings, as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the Appeal.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the Appellant within the time allowed for furnishing Security for Costs of Appeal of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the Appeal admitted, and to give notice thereof to the Appellant and Respondent respectively.

CORPORAL PUNISHMENTS.

ACT No. III. OF 1844.

[*Passed on the 2d March*, 1844.

1. *and* 2. *Modifies Clause* 1, *Section* 2, *Regulation* 2, 1834. *Magistrate may sentence to* 30 *stripes of a ratan, for thefts not exceeding in value* 50 *rupees: and* (2) *offenders of tender years, for same offences, to ten stripes with a light ratan.*

3. *No female to be subject to corporal punishment, and no other punishment to be superadded, and such punishment always to be inflicted in presence of Magistrate.*

An Act for legalizing the infliction of Corporal Punishment in cases of Petty Larceny generally, and when committed by offenders of tender age.

I. Whereas it is expedient until adequate improvements in Prison Discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences.

It is hereby enacted, in modification of C. 1, S. 2, Regulation II. of 1834, that it shall be competent to a Magistrate, on conviction in cases of thefts of property not exceeding in value the sum of Fifty Rupees, to sentence the person convicted to corporal punishment not exceeding thirty stripes of a ratan.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of School discipline than of ordinary criminal justice.

It is hereby enacted, that it shall be competent to a Magistrates, and he is hereby required, on conviction in cases of theft of property not exceeding in value the sum of Fifty Rupees, if the person convicted shall appear to him by inspection or other evidence to be of such tender years as to require punishment rather in the way of School discipline than of ordinary criminal justice, to sentence such person to corporal punishment with a light ratan, not exceeding ten stripes.

III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment, no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the Magistrate.

BENGAL POLICE.

ACT No. IV. OF 1844.

[*Passed on the 2d March*, 1844.

Repeals Regulation 9, 1808.

An Act for repealing Regulation IX. of 1808, of the Bengal Code

Whereas the provisions of Regulation IX. of 1808, of the Bengal Code "for the apprehension of persons concerned in the offence of Gang Robbery, and especially the Sirdars or Leaders of Gangs of Dacoits," have, by reason of their extreme severity, become nearly obsolete:

It is hereby enacted, that the said Regulation be repealed.

PRIVATE LOTTERIES.

ACT No. V. OF 1844.

[*Passed on the 2nd March*, 1844.

1. *Declares Lotteries not authorized by Government to be common and public nuisances.*

2. *Any person publicly or privately keeping any office, &c. for the purpose of drawing any such Lottery, &c. shall, on conviction, be fined not exceeding* 5,000 *Rupees.*

3 *and* 4. *Any person who shall under any pretence, device, &c. agree to pay any sum or to deliver any goods or to forbear doing any thing for the benefit of another, with or without consideration, on any contingency of drawing any ticket, &c. or who shall publish any proposal of the kind shall, on conviction, be fined not exceeding* 1,000 *Rupees;* (4) *half to the use of Government, half to the Informer.*

An Act for the suppression of all Lotteries not authorized by Government.

Whereas great mischief has been found to result from the existence of Lotteries.

I. It is hereby enacted, that in the Territories subject to the Government of the East India Company, all Lotteries not authorized by Government, shall, from and after the 31st day of March, 1844, be deemed, and are hereby declared common and public nuisances and against Law.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said Territories, publicly or privately, keep any office or place for the purpose of drawing any Lottery not authorized by Government, or shall have any such Lottery drawn, or shall knowingly suffer any such Lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 5,000 Rupees.

III. And it is hereby enacted, that from and after the day aforesaid no person shall under any pretence, device or description whatsoever agree to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure in any such Lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in this section shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 1,000 Rupees.

IV. And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied one half to the use of Government and the other half to the use of the Informer or Informers.

MADRAS.—IMPORT AND EXPORT DUTIES.

ACT No. VI. OF 1844.

[*Passed on the* 16*th March,* 1844.

1. *Repeals such parts of Regulations* 10, 1803; 1, 3 *and* 6, 1812; *Regulation* 3, 1821 *and of any others as impose Inland, Transit and Town Duties.*

2. *Repeals Regulation* 9, 1803, *except Sections* 55 *to* 70 *inclusive; Regulation* 11, 1803; *Regulation* 14, 1808; *Regulation* 15, 1808, *except Section* 5; *Regulation* 2, 1812, *except Sections* 15 *and* 17; *Regulation* 4, 1812; *such parts of Regulation* 1, 1813, *as relate to rates of Spirits Duties and Drawback; Regulation* 2, 1816; *Regulation* 2 *and* 3, 1818; *Regulation* 4 *and* 7, 1819, *with their Schedules, except so far as they rescind other Regulations, and all other provisions imposing Sea Custom Duties.*

3. *Preceding Sections not to prevent the levy of any Municipal Tax, or any Toll on any Bridge, &c. for repair, &c. of same, nor Light House fees of same nature.*

4. *and 5. Duties on Imports by sea to be according to rates specified in Schedule A. Duties upon Exports to be according to rates specified in Schedule B.*

6, *Duties on Goods passing by land into or out of Foreign European Settlements, &c. to be at the same rates as Goods imported or exported on Foreign Bottoms, &c.*

7. *The Governor in Council may declare the Territory of any Native Chief not subject to the Madras Presidency, to be Foreign Territory for the purpose of levying Duties under this Act.*

8. *Customs Chokees may be established for the levy of Duties on Goods passing into or out of Foreign Territories. Officers at such Chokees may examine Goods, &c., and Goods shall not pass until the person in charge shall produce a Certificate showing that the Duty has been paid.*

9 *The Governor in Council may appoint Officers to collect Duties, and grant Certificates, which shall entitle Goods to pass the Frontier, and if Goods brought to any Chokee do not correspond with the Certificate, the difference shall be noted on the Certificate, and the Goods shall not pass without a further Certificate.*

10. *The Governor in Council shall give notice of the appointment of Officers to receive Duties on the Frontier, and such Officers shall grant Certificate on receipt of Duties.*

11. *No Certificate shall be received at any Chokee more than thirty days after date. Customs Officer may grant a new Certificate within the thirty days if satisfied that the original one has not been used.*

12. *The Governor in Council may prescribe by what routes Goods may cross the land Frontier: and Goods brought by other routes shall be liabla to detention or confiscation, unless the Collector shall be satisfied that they were carried by wrong route through ignorance or accident.*

13. *Goods crossing Frontier between sun-set and sun-rise, or clandestinely, to be seized and confiscated*

14. *Chokee Officer permitting Goods to pass Frontier without Certificate or by prohibited route to be liable to imprisonment not exceeding six months and fine not exceeding 500 Rupees, commutable (if not paid) to further imprisonment for six months.*

15. *Chokee Officer needlessly and vexatiously injuring Goods under pretence of examining them, or wrongfully detaining them, to be liable to imprisonment not exceeding six months, and fine not exceeding 500 Rupees, commutable, if not paid, to further imprisonment for six months*

16. *Goods imported by sea from any Foreign European Settlement in India, or from any Native State declared Foreign under Section 7, shall be subject to Duties in Schedule A.*

17. *No Goods to be exempted from specified Duties, except by order of Governor in Council. Baggage in actual use may pass free of Duty.*

18. *Goods may be imported Duty free from one Port to another under specified Certificate.*

19. *If Goods on which duties have been paid at any port within the territories of the E I. C. are imported at any Madras Port, credit may be given at the latter port for such duties.*

20, 21, 22, *and* 23. *The Governor in Council may fix the value of articles liable to ad valorem Duties:* (21) *but Duties to be levied according to market value, if no such valuation has been made by Governor in Council* (22.) *And the Market value including that of packages, shall be declared by the person applying to have the Goods passed; which applicatian shall set forth the name of the Ship, &c.* (23) *and Goods deemed by the appraising officer to be undervalued may be taken at valuation by Collector and shall be paid for in* 15 *days, after deducting duty, &c.*

24. *The Governor in Council may declare what shall be landing and shipping ports, and Goods landed, &c. elsewhere shall be seized and confiscated.*

25. *The Master of Vessel on arrival shall deliver or send Manifest of Cargo in form C. Governor in Council may in specified case fix place beyond which inward bound Vessels, except country craft, &c shall not pass until Manifest has been forwarded.*

26. *Master to be liable to a fine of* 1,000 *rupees if Manifest does not contain a full and true specification, and Goods in excess, &c. of Manifest to be charged with double or increased duties.*

27. *Master of inward bound Vessel remaining below the place fixed for delivering Manifest shall deliver it to person authorized to receive it. Master liable to fine not exceeding* 1,000 *rupees if he refuses to deliver Manifest after lying* 24 *hours at anchor, and no Entry or Port Clearance shall be given until fine is paid.*

28. *No vessel shall break bulk until the Collector has received the Ship's papers.*

29. *No Goods shall leave the Vessel until the Vessel is entered and order is given for discharge of Cargo. Goods removed, &c. in contravention hereof to be seized as contraband After such entry, Cargo may be landed according to prescribed forms and rules.*

30. *If Cargo falls short of Manifest, or is landed elesewhere than at prescribed place, the Master may be fined not exceeding* 500 *rupees for missing packages of unknown value, and double duty on goods the duty on which can be ascertained.*

31. *One or more landing and shipping places shall be appointed, and goods landed or shipped elsewhere shall be seized and confiscated.*

32. *The Governor in Council may, for security of Customs, licence Cargo Boats, &c for landing and shipping Cargo, and Goods landed &c. except by special permit at others, may be confiscated.*

33 *and* 34. *The Collector may send Officer on Board at any port at which there is a Custom House Establishment:* and (34) *Master refusing to receive and accommodate such Officer, &c. may be fined not exceeding* 100 *rupees a day.*

35. *Collector may direct vessel to be searched, issue warrant, and Officer may require Cabins, &c. to be opened, &c. and Goods found concealed, &c. may be confiscated; and Master, &c resisting Officer may be fined* 1000 *Rupees.*

36. *Master removing from ship, or putting on board, Goods between sun-rise and sun-set, &c. may be fined not exceeding* 500 *rupees.*

37. *Export cargo boats without permits shall not lie along side vessel on which a Custom's Officer is stationed: cargo in such boats to be confiscated.*

38. *With each separate despatch of Goods from Vessel having a Custom's Officer on board, a Boat Note shall be sent, specifying number and marks of packages. Goods without Note, or out of the track between the vessel and landing place may be confiscated.*

39. *Goods brought to the Custom House to be passed if not corresponding with the description given of them in the application, &c. may be confiscated.*

40. *If Goods after being landed are removed, &c. with the intention of defrauding the revenue, they may be confiscated, unless it was done without the sanction of the owner.*

41. *The Collector may require Goods brought by sea and stowed in bulk to be weighed or measured and may levy duty according to result.*

42. *Repeals Clause 2, Section 11, Regulation I, 1805.*

43. 44. *and* 45. *The price paid for Salt sold under the orders of the Governor in Council for consumption in the Madras Presidency, shall be one rupee eight annas for every maund of* 3200 *tolas: but* (44) *the Governor in Council may remit part of the price if he deems it expedient, and* (45) *Salt purchased at full price may be passed into the interior without the levy of further duty.*

46 *and* 47. *When Customs Officer is sent on Board Vessel not exceeding* 600 *Tons,* 20 *days exclusive of Sundays and holidays shall be allowed for discharge of export and* 30 *days of import Cargo: beyond which period the Master shall pay the wages of the officer: and* (47) *if no Customs Officer is on Board, the Collector shall fix a period not less than the above. Goods remaining on Board after that period may be landed at Custom House by order of Collector for security of Duties, &c. Goods in Custom House not cleared in* 3 *months may be sold for Duties, &c.*

48. *Beyond the* 20 *days allowed for discharging inward Cargo,* 15 *shall be allowed for shipping outward Cargo, if the vessel does not exceed* 600 *Tons, and* 20 *days if it does exceed* 600 *Tons: or* 20 *and* 30 *days shall be allowed in specified cases in lieu of the* 15 *and* 20.

49 *Master putting Goods on board after removal of officer and before he is placed on board again, shall be fined not exceeding* 1000 *rupees, and Goods may be relanded at expence of shipper.*

50. *Port Clearance shall be granted to Master of Vessel on certificate of all Port Charges, &c. having been duly discharged.*

51. *Goods passed through the Custom House upon application made after Port Clearance shall pay double duty, or if duty free,* 5 *per cent on value, &c.*

52. *If Vessel has put back from stress of weather &c. and the Cargo has to be unshipped, a Custom House Officer shall go on board and take charge of Cargo. Owner may land the Goods under the rules for the importation of Goods, and the export duty shall be refunded.*

53. *Duty on Goods relanded before the lading is complete to be refunded, but not if relanded after grant of Port Clearance, unless the vessel put back from stress of weather or damage.*

54. *The Governor in Council may establish rules for the anchoring of coasting and country craft, delivery of manifests of cargo of such craft, &c; and persons contravening such rules to be fined not exceeding* 100 *Rupees for each offence.*

55. *Pattamars, Dhonies, &c from the Maldives and Laccadives, Kattywar and Cutch, to be treated as country craft if they conform to regulations, &c.*

56. *No drawback to be allowed on Goods shipped on Native-craft specified in last Section.*

57. *Goods re-exported without being unshipped or transhipped shall not be subject to import or export duty. Goods transhipped shall be liable to same duty as if passed through the Custom House and re-shipped in same ship as brought them.*

58. *No tranShipment of Goods to be made except under special order of Collector on penalty of confiscation*

59. *Officer of Customs shall superintend the removal of Goods from vessel to vessel.*

60. *The Collector to adjudge when Goods are liable to confiscation.*

61. *Collector may refuse Port Clearance until fines incurred by person in charge of vessel have been paid.*

62. *Collector may decide that a seizure of Goods was vexatious, &c. and adjudge damages to party aggrieved, and order release of Goods: if damages adjudged are accepted, no action shall lie against seizing Officer; Collector may mitigate the penalty of confiscation to the extent of levy of double duty, and may distribute half the proceeds of sale of confiscated Goods to seizing Officers.*

63. *Officers of Customs to be amenable to the Civil Courts, except Collector in respect of Judicial award under this Act.*

64. *Persons obstructing Officers exercising powers under this Act, to be imprisoned not exceeding* 6 *months, or fined not exceeding* 1000 *rupees, or both.*

65. *Officer accepting &c. any consideration for doing, &c. any official act, shall be imprisoned not exceeding* 2 *years, or fined, or both.*

66. *Officer concerned in defrauding the Customs Revenue, shall be imprisoned not exceeding* 2 *years, or fined, or both.*

67. *Persons not being officers, who shall exact customs or duties, &c. shall be imprisoned not exceeding* 2 *years, or fined, or both, and be liable to damages at suit of party aggrieved.*

68. *Governor in Council may transfer the powers of Collector of Customs to any other functionary; may make rules &c. establish wharves; fix rates of wharfage and rent, &c.*

Schedules A. B. C.

An Act for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George.

I. It is hereby enacted, that from the First day of April, 1844,

such parts of Regulation X. of 1803, Regulation I. of 1812, Regulation III, of 1812, Regulation VI. of 1812, and Regulation III. of 1821, of the Madras Code, and all such parts of any Regulations of the said Code as prescribe the levy of Transit or Inland Customs Duties at any Town or Place within the limits of the Presidency of Fort St. George, shall be repealed.

II. And it is hereby enacted, that Regulation IX. of 1803, with exception of Sections 55 to 70, both inclusive; Regulation XI. 1803, Regulation XIV. of 1808, Regulation XV. of 1808, with exception of Section 5; Regulation II. of 1812, with exception of Sections 15 and 17; Regulation IV. of 1812, and such parts of Regulation I. of 1813, of the same Code, as relate to the rates of Duty and Drawback on Spirituous Liquors imported or exported by Sea, also Regulation II. of 1816, Regulation II. of 1818, Regulation III. of 1818, Regulation IV. of 1819, and Regulation VII. of 1819, together with the Schedules appended thereunto, excepting in so far as any of these Regulations rescind any former Regulations either in part or in whole of the Madras Code, and likewise the Provisions of any kind contained in the foregoing or any other Regulations of the Madras Code, for fixing the amount of Duty to be levied on Goods Imported or Exported by Sea, at any place within the limits of the Presidency of Fort St. George, or the Drawback payable on the same, shall be repealed.

III. Provided always, that nothing contained in the two preceding Sections of this Act shall be construed to prevent the levy of any Municipal Tax, or of any Toll on any Bridge, Road, Canal, Pier or Causeway, for repair and maintenance of the same, or of any fee for the erection and maintenance of Light Houses.

IV. And it is hereby enacted, that Duties of Customs shall be levied on Goods Imported by Sea into any place within the Territories subordinate to the Government of the Presidency of Fort St. George, after the said First day of April, 1844, according to the rates specified in Schedule A. annexed to this Act, with the exceptions specified therein, and the Schedule with the Notes attached thereto, shall be taken to be a part of this Act.

V. And it is hereby further enacted, that Duties of Customs shall be levied upon country Goods Exported by Sea from any ports of the Presidency of Fort St. George after the said First day

of April, 1844, according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified, and the said Schedule with the Notes attached thereto, shall also be taken to be a part of this Act.

VI. And it is hereby enacted, that Duties of Customs shall be levied on Goods passing by Land into or out of Foreign European Settlements, situated on the line of Coast within the limits of the Presidency of Fort St. George, at the rates prescribed in the Schedules of this Act for Goods imported or exported on Foreign bottoms at any British Port in that Presidency.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by notice to be published in the Gazette of that Presidency, that the Territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil authorities of that Presidency, shall be deemed to be Foreign Territory, and to declare Goods passing into or out of such Territory liable either to the duty fixed for British or for Foreign Bottoms as the said Governor in Council may think fit.

VIII. And it is hereby enacted, that for the levy of Duties of Customs as above provided on Goods exported by Land to, or imported by Land from, such Foreign Territories, Customs Chokees may be established at such places as may be determined by the said Governor in Council, and every Officer at every such Chokee shall have power to detain Goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate showing that the Customs Duty leviable thereupon has been paid in full.

IX. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of Customs Duties, and grant Certificates of the payment thereof, and that such a certificate being delivered to any Chokee Officer shall entitle Goods to cross the frontier into or out of the East India Company's Territories, provided that the Goods correspond in description with the specification thereof contained in such certificate, and that the certificate

show the entire amount of Duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of Duty certified therein shall not cover the entire amount of Duty leviable on the Goods as ascertained at such examination, the Goods shall be detained until a further certificate for the difference shall be produced.

X. And it is hereby enacted, that the said Governor in Council shall give public notice in the Official Gazette of the Presidency of Fort St. George of the appointment of every Officer appointed to receive Customs Duties on Goods crossing the land frontier of the said Foreign Territories, and the Officers so appointed shall, on receipt of money tendered as Customs Duty be bound to give to any Merchant or other person applying for the same a certificate of payment, and to enter therein the specification of Goods, with the values and description thereof, according to the statement furnished by the person so applying; provided only that the proper Duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XI. And it is hereby enacted, that no certificate shall be received at any Chokee that shall bear date more than thirty days before the date when the Goods arrive at the Chokee. Provided, however, that any person who has taken out a certificate from any authorized receiver of Customs Duties, shall at any time within the said period of thirty days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of Duty.

XII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe by public notice in the Official Gazette of the Presidency of Fort St. George by what routes Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections 6 and 7, of this Act, and after such notice shall be given, Goods which may be brought to any Chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back; and

if not provided with a certificate shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that route was from ignorance or accident.

XIII. And it is hereby enacted, that Goods which may be passed, or which an attempt may be made to pass across any frontier guarded by Chokees between sun-set and sun-rise, or in a clandestine manner, shall be seized and confiscated.

XIV. And it is hereby enacted, that any Chokee Officer who shall permit Goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit Goods to pass by any prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding Five Hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XV. And it is hereby enacted, that if any Chokee Officer shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or shall wrongfully detain Goods for which there shall be produced a sufficient certificate, such Officer shall, on conviction before the Collector of Customs, or before any Magistrate or joint Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding Five Hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that all Goods imported by Sea into any port of the Presidency of Fort St. George from any Foreign European Settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Fort St. George under Section 7, of this Act, to be subject to the duties levied on Foreign Bottoms, shall be liable to the same Duties as are imposed by Schedule A. on imports on Foreign Bottoms.

XVII. And it is hereby enacted, that no Goods whatsoever entered in either of the Schedules of this Act, as liable to Duty, shall be exempted from the payment of such Duty or of any part thereof, except under special order from the Governor in Council

of the Presidency of Fort St. George. Provided always, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House to pass free of Duty any baggage in actual use at his discretion ; and if any person shall apply to have Goods passed as such baggage, the Collector acting under the orders of the Government, shall determine whether they be baggage in actual use, or Goods subject to Duty under the provisions of this Act.

XVIII. Provided always, that when Goods are imported at any port of the Presidency of Fort St. George from any other port in that Presidency under certificate that the Export Duty specified in Schedule B. has been duly paid thereon, or that there has been a re-export, and that the Import Duty specified in Schedule A. has been duly paid, the said Goods shall be admitted to free entry.

XIX. Provided also, that when Duties of Customs shall have been paid on any Goods at any port in any part of the Territories of the East India Company not subject to the Presidency of Fort St. George, and such Goods shall subsequently be imported at any port of the Presidency of Fort St. George, credit shall be given at such last mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George from time to time, by notice in the Official Gazette of the Presidency, to fix a value on any Article or number of Articles liable to ad valorem Duty, and the value so fixed for such Articles shall, till altered by a similar notice, be taken to be the value of such Articles for the purpose of levying Duty on the same.

XXI. And it is hereby enacted, that when Goods liable to Duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed Duty has not been declared by the Schedules annexed to this Act, are brought to any Custom House in the Presidency of Fort St. George, for the purpose of being passed for importation or exportation, the Duty leviable on such Goods shall be levied ad valorem, that is to say, according to the market value of such Goods at the place and time of importation or exportation as the case may be.

XXII. And it is hereby enacted, that the Market value for Assessment of Duties on ad valorem Goods shall be declared by the Owner, Consignee, or Exporter, or by the Agent or Factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the Goods through the Custom House, and the value so declared shall include the Packages or materials in which the Goods are contained, and the application shall truly set forth the name of the ship in which the Goods have been imported or are to be exported, the name of the Master of the said ship, the Colours under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the Goods were produced.

XXIII. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the Officer of Customs appointed to appraise Goods at the Custom House, and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part or the whole of the Goods shall seem to him to be undervalued in such declaration, he shall report the same to the Collector of Customs who shall have power to take the Goods or any part thereof as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take Goods for the Government, payment thereof shall be made to the Consignee or Importer, if the Goods be imported Goods, within fifteen days from the date of the declaration, the amount of Import Duty leviable thereon being first deducted, and if the Goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs Duty.

XXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by public notice in the Official Gazette of that Presidency what places within the same shall be ports for the landing and shipment of Merchandise, and any Goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

XXV. And it is hereby enacted, that when any Vessel shall arrive in any port of the Presidency of Fort St. George, the Master shall deliver a true Manifest of the Cargo on board, made out according to the form annexed to this Act and marked C. to the

first person duly empowered to receive such Manifest that may come on board, and if no such person shall have come on board before the anchor of the said Vessel is dropped, then the Manifest shall be forwarded to land on board of the first boat that leaves the Vessel after dropping anchor, and if the port be up a River or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an Order published in the Official Gazette of the Presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward bound Vessel, except such Country Craft as are described in Sections 54 and 55 of this Act, to pass until the Master shall have forwarded, in such manner as may be ordered by the said Governor in Council such a Manifest as is required by this Act.

XXVI. And it is hereby enacted, that if the Manifest so delivered by the Master shall not contain a full and true specification of all the Goods imported in the Vessel, the said Master shall be liable to a fine of One Thousand Rupees, and any Goods or Packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or to be charged with double or such increased Duties as may be determined by the Collector of Customs under the orders of Government.

XXVII. And it is hereby enacted, that if any inward bound Vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of Manifests, the Master shall deliver a Manifest as hereinbefore prescribed, to the first person duly empowered to receive such Manifest that may come on board, and if any Vessel entering a port for which there is a Custom House established shall lie at anchor therein for the space of twenty-four hours, the Master whereof shall refuse to deliver the said Manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding One Thousand Rupees, and no Entry or Port Clearance shall be given for such Vessel until the fine is paid.

XXVIII. And it is hereby enacted, that no Vessel shall be allowed to break bulk until a Manifest as required by this Act, and another copy thereof to be presented at the time of applying

for entry inwards, if so required by the Collector of Customs, shall have been received by the said Collector, or until order shall have been given by the said Collector for the discharge of the cargo; and that the said Collector may further refuse to give such order if he shall see fit until any Port Clearances, Cocketts or other Papers, known to be granted at the places from which the Vessel is stated to have come, shall likewise be delivered to him.

XXIX. And it hereby enacted, that no Goods shall be allowed to leave any Vessel or to be put on board thereof until entry of the Vessel shall have been duly made in the Custom House of the Port, nor until order shall have been given for discharge of the Cargo thereof, as above provided, and it shall be the duty of every Customs Officer to seize as contraband any Goods which have been removed or put on board of any vessel in contravention of the above Provision, or which any attempt shall have been made to remove from, or to put on board of any vessel in contravention of the above Provision. And after entry of the vessel at the Custom House in due form, such part of the Cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and Export Cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor in Council of the Presidency of Fort St. George, and if an attempt be made to land or put on board Goods or Merchandize in contravention of the forms and rules so prescribed, the Goods shall be liable to seizure and confiscation.

XXX. And it is hereby enacted, that if Goods entered in the Manifest of a Vessel shall not be found on board that Vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if Goods sent out of the Vessel be not landed at the Custom House, or at such other place as the Collector of Customs shall have prescribed, the Master shall be liable to a penalty not exceeding Five Hundred Rupees, for every missing or deficient package of unknown value, and for twice the amount of Duty chargeable on the Goods deficient and unaccounted for, if the Duty can be ascertained. Provided however that nothing herein contained shall be construed to prevent the Collector of Customs from permitting at his discretion the Master of any Vessel to amend

obvious errors, or to supply omissions from accident or inadvertence by furnishing an amended or supplemental Manifest.

XXXI. And it is hereby enacted, that there shall in every port of the Presidency of Fort St. George be one or more places appointed for the landing and shipment of Goods, and Goods shall not be landed at or shipped from any other place without the special order in writing of the Collector of Customs for the port, and if any Goods be landed, or an attempt be made to land any Goods at any other than the said authorized places, or if any Goods be shipped or an attempt be made to ship any Goods from any others than the said authorized places without such order, they shall be seized and confiscated.

XXXII And it is hereby enacted, that if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of Boats for the landing and shipping of Merchandize, or to license and register the Cargo Boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey Goods to or from any Vessel in such port, otherwise than in the Boats so authorized and prescribed, except under special Permit from the Collector of Customs at the port, and any Goods that may be found on board of other Boats than those so authorized for the port shall be liable to be seized by an Officer of Customs and shall be liable to confiscation.

XXXIII. And it is hereby enacted, that when the Governor in Council of the Presidency of Fort St. George shall see fit to maintain at any port an establishment of Officers to be sent on board of Vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more Officers of such establishment to remain on board of any Vessel in such port by night and by day, until the Vessel shall leave the port, or it shall be otherwise ordered by the Collector.

XXXIV. And it is hereby enacted, that any Master of such Vessel at such port who shall refuse to receive such Officer with one servant on board, when such Officer shall be so deputed as above provided, or shall not afford such Officer and such servant suitable shelter and sleeping accommodation while on board, and

likewise furnish them with a due allowance of fresh water if necessary and with the means of cooking on board, shall be liable to a fine not exceeding the sum of One Hundred Rupees for each day during which such Officer and Servant shall not be received and provided with suitable shelter and accommodation.

XXXV. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct that any Vessel shall be searched, he shall issue his warrant or written order for such search addressed to any Officer under his authority, and upon production of such order, the Officer bearing it shall be competent to require any Cabins, Lockers, or Bulk-heads to be opened in his presence, and if they be not opened upon his requisition to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs shall be liable to confiscation, and any Master or person in charge of a Vessel who shall resist such Officer or refuse to allow the Vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence to a fine of One Thousand Rupees.

XXXVI. And it is hereby enacted, that every Master of a Vessel who shall remove from such Vessel or put on board thereof any Goods, or cause or suffer any Goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding Five Hundred Rupees.

XXXVII. And it is hereby enacted, that no Cargo Boat laden with Goods intended for exportation by Sea shall make fast to, or lie alongside of, any Vessel on board of which there shall be a Customs Officer stationed, unless there shall be on board the Boat, or have been received by the said Customs Officer, a Custom House Permit or order for the shipment of the Goods, and the Goods on board of any Boat that may so be alongside or be made fast to a Vessel, if such Goods be not covered by a Custom House Pass accompanying them, or previously received by the Customs Officer on board the said Vessel, shall be liable to confiscation.

XXXVIII. And it is hereby enacted, that when Goods shall be sent from on board of any Vessel having a Customs Officer on

board for the purpose of being landed and passed for importation, there shall be sent with each Boat-load or other separate despatch a Boat Note, specifying the number of packages, and the marks and numbers or other description thereof, and such Boat Note shall be signed by an Officer of the Vessel, and likewise by the Customs Officer on board, and if any imported Goods be found in a Boat proceeding to land from such Vessel without a Boat Note, or if being accompanied by a Boat Note they be found out of the proper track between the ship and the proper place of landing, the Boat containing such Goods may be detained by any Officer of Customs duly authorized by the Collector, and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the Goods shall be liable to confiscation.

XXXIX. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House either for importation or exportation by Sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any Goods not stated in the application be found concealed in or mixed up with the specified Articles, all such packages, with the whole of the Goods contained therein, shall be liable to confiscation.

XL. And it is hereby enacted, that if any person after Goods have been landed, and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the revenue, the Goods shall be liable to confiscation unless it shall be proved, to the satisfaction of the Collector of Customs, that the removal was not sanctioned by the owner or by any person having an interest in or power over the Goods.

XLI. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that Goods brought by Sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and to levy Duty according to the result of such weighing or measurement.

XLII. And it is hereby enacted, that Clause 2, Section 11, of Regulation I. of 1805 of the Madras Code shall be repealed.

XLIII. And it is hereby enacted, that the price to be paid by the purchasers of Salt to the Government of the Presidency of Fort St. George for Salt that may be manufactured and sold under the orders of the Governor in Council for consumption within the Territories subordinate to the Presidency of Fort St. George, shall subsequent to the date specified in Section 1 of this Act be One Company's Rupee and Eight Annas for every maund of 3,200 tolas weight of Salt.

XLIV. And it is hereby enacted, that it shall be competent to the Governor General of India in Council to grant a remission of the price specified in the last preceding Section of this Act in cases in which it may appear that the grant of such remission is expedient.

XLV. And it is hereby enacted, that on application by the Exporter of any Salt that has paid the full price fixed to be paid for Salt sold for home consumption under the provisions of Section 43 of this Act, a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate the quantity of Salt specified therein shall be landed at any other port of the said Presidency of Fort St. George, and shall be passed from such port under the proper passes applicable to the free passage of Salt into the interior without the levy of any further Duty of Customs.

XLVI. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel to superintend the delivery of Cargo, twenty days, exclusive of Sundays and Holidays, shall be allowed for the discharge of the Import Cargo of Vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and Holidays, for the discharge of the Import Cargo of Vessels exceeding that burthen, and the said periods shall be calculated from the day when the Customs Officer first went on board. And if the whole Cargo be not discharged by the expiration of the abovementioned periods, the Master shall be charged with the wages of such Officer, and other expenses for any further period that such Officer may be detained on board. And if the Owners, Importers, or Consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master so to do.

XLVII. And it is hereby enacted, that when there shall be no Customs Officer sent aboard Vessels discharging Cargo, it shall

be lawful for the Collector of Customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the Vessel inwards; and if any Goods remain on board after the time so fixed, or after the time allowed in the last preceding Section of this Act, the Collector may order the same to be landed and warehoused for the security of the Duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master of the same; Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of Master of the Vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouses for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such Vessel; and in case any Goods brought to land from any Vessel be not claimed and cleared from the Custom House within three months from the date of entry of the ship in which such Goods were imported, it shall be competent to the Collector to sell the same on account of the Duties and other charges due thereon, and the balance remaining after deducting the said Duties and charges shall be held in deposit and paid to the Owner on application.

XLVIII. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel discharging Cargo, a further period of fifteen days, Sundays and Holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board Export Cargo, if the Vessel shall not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case not be charged with wages and expenses of the Customs Officer on board until after the expiration of such additional period: and if a Vessel having discharged its Import Cargo shall be laid up, the Customs Officer on board shall certify that no Goods remain on board except necessary stores and articles for use, and when a Vessel so laid up shall be entered at the Custom House for receipt of Export Cargo a Customs Officer shall be sent on board, and if the said last mentioned Officer shall certify that no Goods are on board except as above excepted, twenty days, exclusive of Sundays and Holidays,

as above, shall be allowed from the date of such certificate for the lading outwards of a Vessel not exceeding six hundred tons, and thirty days for Vessels exceeding that burthen, after which periods respectively the Master shall be charged with the wages and expenses of the Customs Officer on board to the date of the Vessel's sailing from the port.

XLIX. And it is hereby enacted, that when upon application from the Master of any Vessel the Customs Officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding Section of this Act, if the Master of such Vessel shall before a Customs' Officer have again been placed in such Vessel put on board of such Vessel, or cause or suffer to be put on board of such Vessel, any Goods whatever, such Master shall be punished with a fine not exceeding One Thousand Rupees, and the Goods shall be liable to be re-landed for examination at the expense of the Shippers, upon requisition to that effect from the Collector of Customs.

L. And it is hereby enacted, that a Port Clearance shall be granted by the Collector of Customs or other authorized Officer to the Master or Commander of every Vessel clearing out from the ports of the Presidency of Fort St. George, provided such Master or Commander shall have complied with the terms prescribed by this Act, and with the rules of the port concerned, and shall produce a certificate from the proper Officer or Officers of all port charges and public demands against him of whatever nature having been duly paid and discharged.

LI. And it is hereby enacted, that upon any Goods liable to Duty that may be passed through the Custom House for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed Duty shall in all cases be levied, and if the Goods be free or have already paid Import Duty, or have been imported free under certificate, five per cent. upon the Market value shall be levied thereon, or if the same be imported Goods entitled to Drawback, the Drawback shall be forfeited, but no separate Duty shall be levied on Drawback Goods.

LII. And it is hereby enacted, that when a vessel having cleared out from any port shall put back, from stress of weather, or it shall for any damage or from other cause be necessary that

the Cargo of a vessel that has cleared out shall be unshipped or relanded, a Customs Officer shall be sent to watch the Vessel and take charge of the Cargo during such relanding or removal from on board, and the Goods on board such vessel shall not be allowed to be transhipped or re-exported free of Duty by reason of the previous settlement of Duty at the time of first export unless the Goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other vessel under special charge of the Officers of Customs until the time of re-export, and all charges attending such custody shall be borne by the Exporter; provided, however, that in all cases of return to port after Port Clearance on account of damage or for stress of weather, it shall be lawful for the owner or for the master to enter the vessel and land the Cargo under the rules for the importation of Goods, and the Export Duty shall in that case be refunded, and the amount paid in Drawback be reclaimed, and if Goods on account of which Drawback has been paid be not found on board the vessel, the Master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

LIII. And it is hereby enacted, that when Goods shall be relanded before the lading of any vessel is complete, and before Port Clearance has been granted, the duty levied upon such Goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any Goods after Port Clearance shall have been granted for the vessel on which the Goods were exported, unless the vessel shall have put back for stress of weather or for damage, and the Goods shall have been relanded under the rule contained in the last preceding Section of this Act.

LIV. And it is hereby enacted, that it shall be lawful for the the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British Territories, for the delivery of Manifests of the Cargo of such Vessels, and for the landing of Goods therefrom, and shipping of Goods thereon, and that whoever being in charge of any such craft shall knowingly contravene any such rule, shall be liable to a fine not exceeding One Hundred Rupees for each offence.

LV. And it is hereby enacted, that Pattamars, Dhonies, and

other small Craft from the Maldive or Laccadive Islands, or from the Native Ports of Kattywar and Cutch, and of the Travancore and Cochin states, shall be treated in the ports of the presidency of Fort St. George like the Coasting Craft of the British Territory, provided that they conform to such special Regulations as to the place of anchoring and mode of landing and shipping Goods, as may be made by the Governor in Council for such vessels in the several ports of the presidency of Fort St. George.

LVI. And it is hereby enacted, that no Drawback shall be allowed on Goods shipped on such Native Craft as are described in the last preceding Section of this Act.

LVII. And it is hereby enacted, that Goods exported in the same vessels if manifested for re-export, shall not be subject to import or export duty, and if any Goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same Duty as if they had been landed and passed through the Custom House for re-exportation in the Vessel into which they may be transhipped.

LVIII. And it is hereby enacted, that no transhipment shall be made of any Goods except under special order in writing from the Collector of Customs of the port, and that Goods transhipped or attempted to be transhipped without such order shall be liable to confiscation.

LIX. And it is hereby enacted, that an Officer of Customs shall in all cases be deputed to superintend the removal of Goods from Vessel to Vessel.

LX. And it is hereby enacted, that in all cases in which under this Act Goods are liable to confiscation, the Collector of Customs of the place where those Goods may be shall be competent to adjudge such confiscation.

LXI. And it is hereby enacted, that if any person in charge of a Vessel shall have become liable to any fine on account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Fort St. George, to refuse Port Clearance to such Vessel until the fine shall be discharged.

LXII. And it is hereby enacted, that it shall be lawful for

any Collector of Customs, or other Officer who may be authorized to adjudicate Customs cases, if he shall decide that a seizure of Goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the Proprietor by the Customs Officer who made such vexatious seizure, besides ordering the immediate release of the Goods; and if the Proprietor accept such damages, no action shall thereafter lie against the Officer of Customs in any Court of justice on account of such seizure: and if such Adjudicating Officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double Duty: and if the said Officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the Goods, a proportion not exceeding one half shall be distributed in rewards amongst such Officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

LXIII. And it is hereby enacted, that all Officers of Customs shall as heretofore be amenable to the Civil Courts of the Presidency of Fort St. George by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts. Provided, however, that no suit shall lie against a Collector of Cusoms or other Officer for any Judicial award in a matter of Customs passed under the preceding Section of this Act.

LXIV. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding One Thousand Rupees, or both.

LXV. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXVI. And it is hereby enacted, that whoever being an officer appointed under the authority of this Act, practises or attempts

to practise any fraud for the purpose of injuring the Customs Revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXVII. And it is hereby enacted, that whoever not being an Officer appointed under this Act, or authorized by any Regulation to collect Customs or Duties, shall exact Customs or Duties of any denomination on any pretence whatsoever, whether as principal or agent, shall be punished with imprisonment for a term not exceeding two years, or fine, or both, and furthermore shall be liable for such damages as may be obtained against him, on the suit of the party injured, by action in any of the Civil Courts of the presidency of Fort St. George.

LXVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George, by an Order in Council, to transfer any of the powers given to a Collector of Customs by this Act to any other functionary and to make any rules consistent with law for the carrying of this Act into effect; and to establish such Wharves and appoint such Officers as he shall think fit, and to fix rates of Wharfage and of Rent to be paid for Goods deposited or suffered to lie in the godowns of the Custom House.

SCHEDULE A.

Rates of Duty to be charged on Goods Imported by Sea into any Port of the Presidency of Fort St. George.

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
1	Bullion and Coin,	Free	Free.
2	Precious Stones and Pearls,	Ditto.	Ditto.
3	Grain and Pulse other than Rice and Paddy,	Ditto.	Ditto.
4	Rice and Paddy,	2 Annas per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if imported otherwise than in bags, 1 Anna per Maund,	4 Annas per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if imported otherwise than in bags, 2 Annas per Maund.
5	Horses and other living Animals,	Free	Free.
6	Ice,	Ditto.	Ditto.

SCHEDULE A.—*Continued.*

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
7	Coal, Coke, Bricks, Chalk, Stones (Marble & wrought Stones excepted,)	Free.	Free.
8	Books printed in the United Kingdom, or in any British Possession,..............	Ditto.	3 per Cent.
9	Foreign Books,..............	3 per Cent....	6 per Cent.
10	Marine Stores, the produce or manufacture of the United Kingdom, or of any British Possession,....	3 per Cent....	6 per Cent.
11	Ditto ditto, the produce or manufacture of any other place or country, ...	6 per Cent....	12 per Cent.
12	Metals, wrought or unwrought the produce or manufacture of the United Kingdom or any British Possession, ..	3 per Cent....	6 per Cent.
13	Metals, ditto ditto excepting Tin, the produce or manufacture of any other place,..	6 per Cent....	12 per Cent.
14	Tin, the produce of any other place than the United Kingdom, or any British Possession,....................	10 per Cent....	20 per Cent.
15	Woollens, the produce or manufacture of the United Kingdom, or any British Possession,...	2 per Cent...:	4 per Cent.
16	Ditto, the produce of any other place or country,....	4 per Cent....	8 per Cent.
17	Cotton Wool, not covered by Certificate of the payment of Export Duty at any other Port of Fort St. George,..	As. 9 per Maund of 80 Tolas to the Seer,.. ..	1 Rupee 2 As. per Maund of 80 Tolas to the Seer.
18	Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom, or of any British Possession, ...	3½ per Cent...	7 per Cent.
19	Ditto,*(a)* the produce of any other place, ...	7 per Cent....	14 per Cent.
20	Opium,....	24 Rs per Seer of 80 Tolas..	24 Rs. per Seer of 80 Tolas.
21	Salt,...	3 Rs. per Maund of 80 Tolas to the Seer, ..	3 Rs. per Maund of 80 Tolas to the Seer.
22	Alum,.	10 per Cent....	20 per Cent.
23	Betel Nut, raw, ...	5 per Cent....	10 per Cent.
24	Betel Nut, boiled,............	10 per Cent....	20 per Cent.
25	Camphor,......	10 per Cent....	20 per Cent.
26	Cassia,.....................	10 per Cent....	20 per Cent.
27	Cloves,......	10 per Cent....	20 per Cent.

(a) See as to this Act 15, 1844, by which this rate of Duty is extended to goods manufactured of mixed materials.

SCHEDULE A.—*Continued.*

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottom.*
28	Coffee,......................	7½ per Cent...	15 per Cent.
29	Coral,.............	10 per Cent....	20 per Cent.
30	Nutmegs and Mace,.........	10 per Cent....	20 per Cent.
31	Pepper,......	10 per Cent....	20 per Cent.
32	Rattans,................	7½ per Cent. .	15 per Cent.
33	Tea,......................	10 per Cent ...	20 per Cent.
34	Vermillion,..................	10 per Cent....	20 per Cent.
35	Wines and Liqueurs,....	10 per Cent....	20 per Cent.
36	Spirits,......	9 As. per Imperial Gallon.	1 Rupee pr. Imperial Gallon.
	And the Duty on Spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles 5 quart bottles shall be deemed equal to the Imperial Gallon,		
37	Tobacco,..................	10 per Cent....	20 per Cent.
38	All Articles not included in the above enumeration, ..	3½ per Cent...	7 per Cent.

And if the Collector of Customs shall see reason to doubt whether the Goods liable to a different rate of Duty according to the place of their production come from the country from which they are declared to come by the Importer, it shall be lawful for the Collector of Customs to call on the Importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of Duty, subject always to an Appeal to the Governor in Council of Fort St. George.

And upon the re-export by Sea of Goods imported, excepting Opium and Salt, and all Goods of the growth, production, or manufacture of the Continent of India, provided the re-export be made within two years of the date of Import as per Custom House Register, and the Goods be identified to the satisfaction of the Collector of Customs, there shall be retained one eighth of the amount of Duty levied, and the remainder shall be repaid as Drawback.

But no Exporter of imported Goods shall be entitled to Drawback, unless the Drawback be claimed at the time of re-export, nor shall any payment be made of Drawback unless the amount claimed be demanded within one year from the date of entry of the Goods for re-export in the Custom House Register.

SCHEDULE B.

Rates of Duty to be charged on Goods Exported by Sea from any Port or place in the Presidency of Fort St. George.

No.	*Enumeration of Goods.*	*Exported on British Bottoms.*	*Exported on Foreign Bottoms.*
1	Bullion and Coin, ...	Free.	Free.
2	Precious Stones and Pearls,....	Ditto.	Ditto.
3	Books, Maps and Drawings printed in India, ...	Ditto.	Ditto.
4	Horses and living Animals, ..	Ditto.	Ditto.
5	Cotton Wool, exported to Europe, the United States of America or any British Possession in America,....	Ditto.	9 Annas per Md. of 80 Tolas to the Seer.
6	Ditto ditto, exported to places other than above, ...	9 As per Maund of 80 Tolas to the Seer.	1 Rupee 2 Annas per Maund of 80 Tolas to the Seer.
7	Sugar and Rum, exported to the United Kingdom or to any British Possession, not being a British Possession or Settlement on the Continent of India, including Bombay, ...	Free.	3 per Cent.
8	Ditto ditto, exported to any other place including any British Possession or Settlement on the Continent of India, including Bombay, .	3 per Cent.	6 per Cent.
9	Grain and Pulse of all sorts, other than Rice and Paddy,	1 Anna per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if exported otherwise than in bags ½ an Anna per Maund.	2 Annas per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if exported otherwise than in bags 1 Anna per Maund.
10	Rice and Paddy, ...	2 Annas per bag as above, or 1 An. per Maund.	4 Annas per bag as above, or 2 As. per Maund.
11	Indigo,....................	3 Rs. per Maund of 80 Tolas to the Seer.	6 Rs. per Maund of 80 Tolas to the Seer.
12	Salt, having paid the price fixed to be paid on Salt declared for exportation to Ports or places not being subordinate to the Presidency of Fort St. George, ...	Free, ...	Free.
13	Tobacco, ...	10 per Cent. ..	20 per Cent.
14	Opium, not covered by a Pass,..	Prohibited,....	Prohibited.
	All Articles not included in the above enumeration, ...	3 per Cent.....	16 per Cent.

And upon the re-export to Europe, the United States of America, or to any British Possession in America, from Madras or from any other Port of the Presidency of Fort St. George, of Cotton that has been imported under certificate of the payment of the Duty specified in this Schedule, provided that the re-export be made, in British Bottoms, within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export as per Custom House Registers, the whole amount of Export Duty levied at the first place of export, shall be refunded.

SCHEDULE C.

Manifest of Goods Imported per
Commander, from *under* *Color.* *viz.*

Marks.	Number.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice value	Tariff value.
A.	1 @ 5	5 Cases.	250 pieces.	0	0	3000	Cambrics, Long Cloths, bleached, Long Cloths, unbleached, Madapollams, bleached, Ditto, unbleached, Plain Muslins.		

N. B. Articles generally to be specified, excepting such as Ironmongery, Hard Ware, Glass Ware, Earthen Ware, Cutlery, Perfumery, Confectionery, Stationery and such like. All articles from Great Britain to be entered according to the English Weight, not Native.

From China in like manner, in China Weights.

In Imports and Exports of Bullion or Coin, to specify the sort of which they consist.

COMPETENCY OF WITNESSES.

ACT No. VII. OF 1844.

[*Passed on the 6th April,* 1844.

1. *Within the local jurisdiction of Her Majesty's Courts, no person shall be excluded from giving evidence either in person or by deposition by reason of crime or interest. But this Act not to render competent any party to any suit &c. or any person on whose immediate behalf any action is brought or defended. This Act not to repeal Act 25, 1838; nor to prevent any defendant in Equity from being examined as a witness for plaintiff or co-defendant, &c.*

2. *Act not to apply to pending proceedings.*

An Act for improving the law of Evidence.

I. Whereas the inquiry after truth in Her Majesty's Courts of justice is often obstructed by incapacities created by the present Law, and it is desirable that full information as to the facts in issue, both in Criminal and in Civil cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony:

It is hereby enacted, that within the local jurisdiction of Her Majesty's Courts, no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action or proceeding, Civil or Criminal, in any of Her Majesty's Courts, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or person having, by Law or by consent of parties, authority within the jurisdiction of Her Majesty's Courts to hear, receive and examine evidence, but that every person so offered may and shall be admitted to give evidence on oath or solemn affirmation, in those cases wherein affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or enquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence. Provided, that this Act shall not render competent

any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the Landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively: Provided also, that this Act shall not repeal any provision in the Act of the Government of India XXV. of 1838. Provided that in any of Her Majesty's Courts sitting in Equity, any defendant to any cause pending in any such Court so sitting, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matter or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

II. And it is hereby enacted, that nothing in this Act shall apply to, or affect any suit, action or proceeding, brought or commenced before the passing of this Act.

NATIVE MILITARY PRISONERS.

ACT No. VIII. OF 1844.

[*Passed on the* 9th *April*, 1844.

Any Native Officer or Soldier, or Camp Follower, belonging to the Forces of the East India Company, being a Prisoner under Sentence of Court Martial, the Governor or Governor in Council may order his removal from one prison to any other prison in the same Presidency; the time employed in his removal to be deemed part of the term of his imprisonment.

An Act to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers and Followers imprisoned under Sentence of a Court Martial from one Prison to another.

It is hereby enacted, that whenever any Native Officer or Soldier,

or Follower, belonging to the Forces of the East India Company, shall be a prisoner in any public prison or other place within the Territories subject to the Government of the said Company under sentence of any Court Martial, it shall be lawful for the Governor or Governor in Council (as the case may be) of the Presidency, in which such public prison or other place may be situated to give an order in writing to the Gaoler thereof, or other person in charge thereof, commanding him to deliver up such prisoner to the person producing such order, and such Gaoler or other person shall deliver up such prisoner at any period of his imprisonment to the person producing such order either for his discharge or in order that he may be removed in Military custody to undergo the remainder of his sentence, to such other public prison or such other place as such Governor or Governor in Council (as the case may be) may direct; provided that such other public prison or other place shall be within the Presidency subject to the Government of the Governor or Governor in Council (as the case may be) who shall have given such order, and provided that the time of imprisonment on removal from one prison to another, or while the prisoner is in custody for any intermediate period shall be reckoned as part of the original period of imprisonment for which such prisoner shall have been sentenced.

PRINCIPAL SUDDER AND SUDDER AMEENS.

ACT No. IX. OF 1844.

[*Passed on the 13th April,* 1844.

1. 2. *All suits within the competency of a Principal Sudder or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those Officers. But* (2) *Zillah or City Judge may withdraw them and try them himself or refer them to any other competent Court subordinate to him.*

3. *Zillah or City Judge shall assign to the Principal Sudder or Sudder Ameens attached to his Court, if more than one of them, &c. the several Moonsiffs' divisions which shall constitute their respective special jurisdiction: and such Principal Sudder Ameen to have cognizance of all suits mentioned in Sections of this Act.*

4. *Zillah or City Judge to receive Summary Appeals from orders of Principal Sudder or Sudder Ameen rejecting any original Suit cognizable by him.*

5. *The same stamp to be sufficient in any other Court as in that of Sudder Ameen, for the like cause.*

An Act for authorizing the institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. It is hereby enacted, that within the Territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those officers respectively.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a Zillah or City Judge to withdraw such suits from the Court in which they may have been instituted, and to try them himself, or to refer them for trial to any other Court subordinate to his authority, and competent in respect to the value of the suit whenever he may see sufficient reason for so doing.

III. And it is hereby enacted, that whenever there shall be more than one Principal Sudder Ameen, or more than one Sudder Ameen attached to the Court of any Zillah or City Judge, and not having any special local jurisdiction, it shall be the duty of such Judge to appoint from time to time the several Moonsiffs' divisions which shall constitute the special local jurisdiction of each of such Principal Sudder Ameens and Sudder Ameens, and that each of such Principal Sudder Ameens and Sudder Ameens, shall be empowered to take cognizance of all such suits as are mentioned in Section I. of this Act, provided the landed or other real property to which the suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the suit may be commenced shall reside as a fixed inhabitant within the limits of such local jurisdiction as aforesaid.

IV. And it is hereby enacted, that it shall be competent to the Zillah or City Judge to receive a Summary Appeal from the orders of any Principal Sudder Ameen or Sudder Ameen, rejecting any original suit cognizable by him, and that all Rules applicable to Summary Appeals from orders dismissing original suits on the ground of any default shall be applicable to the Summary Appeals given by this Act.

V. And it is hereby enacted, that in all Suits which in respect

to value are cognizable by a Sudder Ameen, the same stamps shall be sufficient in any other Court as would have been sufficient in the Court of a Sudder Ameen.

SENTENCES FOR MURDER.

ACT No. X. OF 1844.

[*Passed on the* 11*th May*, 1844.

Recites Statute 9. Geo: 4 Cap. 74, and enacts (1) that the recited enactment shall cease to have effect, and (2) that sentence of death may be pronounced after convictions for murder in the same manner, &c. as after convictions for other capital offences.

An Act to amend the Law respecting the period of the Execution of persons convicted of the crime of Murder.

Whereas by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies, it was amongst other things enacted, that every person convicted of murder should be executed according to law on the day next but one after that on which the sentence should be passed, unless the same should happen to be Sunday, and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every murderer, unless the Court should see reasonable cause for postponing the same, and such sentence should express not only the usual judgment of death but also the time thereby appointed for the execution thereof: and it was by the said Act provided that after such sentence should have been pronounced it should be lawful for the Court or Judge to stay the execution thereof if such Court or Judge should so think fit: and whereas for the ends of justice, and especially more effectually to preserve from an irrevocable punishment, any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act in these respects.

I. It is therefore hereby enacted, that from and after the passing of this Act so much of the said Act as is hereinbefore recited shall cease to have effect within the Territories subject to the Government of the East India Company.

II. And it is hereby further enacted, that from and after the passing of this Act, sentence of death may be pronounced after convictions for murder by any Judge of any of Her Majesty's Courts of Justice within the Territories subject to the Government of the East India Company in the same manner, and the Judge shall have the same power in all respects as after convictions for other capital offences.

SUPREME COURT, CALCUTTA.

ACT No. XI. OF 1844.

[*Passed on the* 18*th May*, 1844.

1. *When occasion shall require, any one of the Judges of the Supreme Court may sit apart for the despatch of Criminal business at same time that the other Judges are sitting for despatch of business in Supreme Court.*

2. *Court may transact same business in Vacation as in Term, subject to same Rules and Orders as Term proceedings.*

An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the judges of the Supreme Court of Judicature at Fort William in Bengal, when occasion shall so require, to sit apart from the other judges or judge, as the case may be, of the same Court for the despatch of the criminal business of the said Court, at the same time when the other judges or judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the law to all intents and purposes as fully as if the said proceedings were had before all the judges of the said Court sitting as a Court of Oyer and Terminer and Gaol delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Fort William in Bengal may or shall have power to transact in Term, it shall in like manner have power to transact out to Term,

and that all proceedings whatsoever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

INDIAN NAVY.

ACT No. XII. OF 1844.

Passed on the 25th May, 1844.

1. *Recites the Statute,* 3 *and* 4 *W.* 4, *C.* 85, *Section* 43, *&c. and* 3 *and* 4 *Vic. Chap.* 37, *&c.*

Enacts the following articles for the Indian Navy.

(1.) *All Captains, &c. to cause public worship according to the Liturgy to be performed in their Ships on the Lord's Day.*

(2.) *All Officers, &c. guilty of profane Oaths, &c. Drunkenness, &c. shall be punished by Court Martial.*

(3.) *Any Officer, &c. giving, &c. intelligence to any Enemy, &c. shall be punished by Court Martial with death, or minor punishment.*

(4.) *Any Officer, &c receiving from any Enemy, &c. any letter or message, and not within* 12 *hours acquainting his Superior Officer, &c. shall be punished by Court Martial with death, or minor punishment.*

(5.) *All Spies, &c. coming within the Territories under the East India Company to bring seducing letters, &c. from any Enemy, &c. or to endeavour to corrupt any Officer, &c. shall be punished by Court Martial with death, or minor punishment.*

(6.) *No person belonging to Indian Navy shall relieve an Enemy with Money, &c. upon pain of death, or other punishment.*

(7.) *Papers, Charter Parties, &c. seized aboard Prizes shall be sent to the Court of Admiralty or other prize Court, or in default thereof offender to forfeit his Share of the Capture, &c.*

(8.) *No person in the Indian Navy shall take out of any Prize, any Money, &c. except for necessary security, before the capture shall be adjudged lawful, upon pain of forfeiting his Share of the Capture, &c.*

(9.) *Officers, &c. on board captured Vessel shall not be stripped, or pillaged, &c.*

(10.) *Superior Officer upon signal of fight, or sight of enemy, not preparing for fight, &c or cowardly crying for quarter, &c shall suffer death or other punishment.*

(11) *Every person not duly observing orders for assailing or joining battle with, any Fleet, &c. or not obeying orders in time of action, shall suffer death or minor punishment.*

(12.) *Every person, through cowardice, &c. in time of action, withdrawing or keeping back, &c. shall suffer death or minor punishment.*

(13) *Every person through cowardice, &c forbearing to pursue chase of any Enemy beaten or flying, or not assisting known friend, &c. shall suffer death or minor punishment.*

(14.) *Any person delaying or discouraging any action or service when commanded, upon pretence of arrears of wages, &c. shall suffer death or minor punishment.*

(15.) *Persons deserting to Enemy, &c. or running away with Ship, &c. or yielding up the same to Enemy, shall suffer death or minor punishment.*

(16.) *Deserters and persons enticing others to desert shall suffer death or minor punishment: Officers receiving deserter, and not giving notice, shall be cashiered.*

(17.) *Officers and Seamen of convoy Ships, shall diligently attend upon their charge, &c. and defend the same, &c and not demand any reward from any Merchant, &c. and not misuse the Masters, &c. upon pain of suffering such punishment as Court Martial shall think proper.*

(18.) *Any Captain, &c. receiving on board, any Goods, &c. except for use of the Ship, and except Gold, Silver and Jewels, and the Goods of any Shipwrecked Vessel, and Goods which he may be ordered to receive, shall be cashiered and incapable for any public service.*

(19.) *Any person in Indian Navy making, a mutinous assembly or uttering words of sedition or mutiny, or behaving with contempt to Superior Officer in execution of his duty, shall be punished as Court Martial shall think fit.*

(20.) *Any person in Indian Navy, concealing any traitorous or mutinous practice, &c. shall suffer death or minor punishment, and any person concealing traitorous or mutinous words, or not revealing the same forthwith, shall be punished as Court Martial shall think fit.*

(21.) *Any person in Indian Navy having cause to complain of the unwholesomeness of provisions, shall quietly make known the same to his Superior Officer with a view to a remedy, and any person stirring up disturbance on such pretence shall be punished as Court Martial shall think fit.*

(22) *Any Officer, &c. striking Superior Officer, &c. or quarrelling with Superior Officer, &c. or disobeying lawful command, shall suffer death or minor punishment.*

(23) *Any person in Indian Navy quarrelling or fighting with any other person therein, or using reproachful speeches, &c. shall be punished as Court Martial shall think fit.*

(24.) *Stores and Provisions, &c. shall be carefully preserved, upon pain of such punishment as Court Martial shall deem just.*

(25.) *Every person in Indian Navy unlawfully burning or setting fire to any Magazine, &c. not belonging to an Enemy, shall suffer death or minor punishment.*

(26.) *If Vessel is through negligence, &c. stranded, &c. offender shall be punished with death, or minor punishment.*

(27.) *No person in Indian Navy to sleep on watch or negligently perform duty, &c. on pain of being punished as Court Martial thinks proper.*

(28.) *Murder by person in Indian Navy shall be punishable with death.*

(29.) *Any person in Indian Navy committing the unnatural and detestable sins specified shall be punished with death, or minor punishment.*

(30.) *All robbery by person in Indian Navy shall be punished with death, or otherwise as Court Martial thinks proper.*

(31.) *Any Officer making or signing a false muster, &c. shall be cashiered.*

(32.) *No person in Indian Navy shall refuse to apprehend, &c. any Criminal, under proper authority, &c. upon pain of such punishment as Court Martial shall think proper.*

(33.) *Any Superior Officer, &c. behaving in a scandalous, &c. manner unbecoming an Officer shall be dismissed from the Indian Navy, or suffer such other punishment as Court Martial thinks proper.*

(34 *and* 35.) *Every person in actual service and full pay being guilty of Mutiny, &c. or* (35) *any other offences made punishable by this Act, on shore, shall be punishable as for same offences committed at Sea.*

2. *Court Martial shall not sentence to imprisonment for more than two years.*

3 *and* 4. *This Act shall not be construed to empower Court Martial to punish or try offences (except, &c.) not committed upon the Main Sea, or in Great Rivers &c. or not committed by persons in actual service and full pay, &c. nor* (4) *to try any Land Officer, &c. on board Transport Ship.*

5. *The Governor General of India and Governors of Madras and Bombay respectively, may grant Commissions to call Courts Martial, &c. and in case of the death, &c. of Officer named in Commission, the Officer next in command, &c. shall have same power.*

6. *No Commander in Chief of Fleet, &c. of more than five Ships shall preside at Court Martial, but the next in Command to such Officer shall preside.*

7 *and* 8. *If three or more Ships of the Indian Navy meet in Foreign parts, the Senior Officer, not under the rank of Commander may hold Courts Martial and preside thereat, &c. unless* (8) *there is some material objection to such Officer presiding, in which case the Governor General or Governor in Council, may authorize the third Officer in command to preside, &c.*

9. *No Court Martial shall consist of more than* 13 *nor less than* 5 *persons of specified rank.*

10. *Prescribes the Oath to be taken by Officers composing Courts Martial, and by Judge Advocate.*

11. *and* 12. *Any person refusing to give evidence at Court Martial, or prevaricating in his evidence, &c. may be punished by Court in specified manner; and*

persons committing perjury or subornation of perjury, may be prosecuted in Her Majesty's Courts and (12) *in prosecutions for such offences it shall not be necessary to set forth the Commission, &c.*

13. *No Sentence of death given by Court Martial shall be put in execution till the proceedings have been reported and directions have been given by Governor General in Council.*

14. *The Judge Advocate or his deputy may administer oath to witnesses, &c. and in their absence the Court may appoint person to execute the office.*

15. *and* 16. *The several articles and orders established by this Act, shall remain in force with respect to the crews of vessels lost or destroyed, until they are discharged from the service, or placed in other vessels, &c. and the pay and wages of such crews and Officers and of* (16) *the Officers and crews of captured vessels shall go on and be paid, &c if they have done their duty under the circumstances.*

17. *No person not flying from justice, shall be tried by Court Martial, unless upon complaint made in writing within three years of the offence, or one year of the return of the ship, &c or one year of the return of the offender into the East Indies.*

18. *This Act not to take away from the Lord High Admiral, &c any Admiralty power, &c.*

19. *Proceedings of Court Martial not to be delayed by the absence of Members if sufficient remain to compose a Court. Court to sit from day to day, Sundays excepted, and Members absenting themselves during the whole time except in case of sickness, &c. to be cashiered.*

An Act for better securing the observance of an exact discipline in the Indian Navy.

I. Whereas by an Act of the British Parliament passed in the Session held in the 3d and 4th years of His late Majesty King William the 4th, intituled " An Act for effecting an arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories till the 30th day of April, 1854."—It is among other things enacted, that the Governor General of India in Council shall have power to make Laws and Regulations for repealing, amending or altering any Laws or Regulations whatever then in force, or thereafter to be in force in the said Territories, or any part thereof, and to make Laws and Regulations for all persons whether British or Native, Foreigners, or others, and for all Courts of Justice whether established by His Majesty's Charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole or any part of the said Territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the

said Company, save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend or affect any of the provisions of the now reciting Act, or any of the provisions of the Acts for punishing mutiny and desertion of Officers and Soldiers, whether in the service of His Majesty or the said Company, or any provisions of any Act thereafter to be passed in any wise affecting the said Company, or the said Territories, or the Inhabitants thereof, or any Laws and Regulations which shall in any way affect any Prerogative of the Crown or the authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said Territories.

And it is hereby provided and enacted, that in case the Court of Directors of the said Company, under such control as by the now reciting Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made, then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed. And it is also provided and enacted, that all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of justice whatsoever within the same Territories in the same manner as any Public Act of Parliament would and ought to be taken notice of, and it shall not be necessary to register or publish in any Court of justice any Laws or Regulations made by the said Governor General in Council. And it is thereby also provided and enacted, that it shall not be lawful for the said Governor General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power shall be given to any Courts of Justice other than the Courts

of Justice established by His Majesty's Charters, to sentence to the punishment of death, any of His Majesty's natural born subjects, born in Europe, or the children of such subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

And whereas by another Act passed in the Session held in the 3d and 4th years of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for providing for the observance of Dicipline in the Indian Navy, and to amend the Laws for regulating the payment of Regimental Debts and the distribution of the Effects of Officers and Soldiers dying in Service," reciting that the said Company for the safety and protection of the Territories under their Government in addition to their Land Forces, maintain a Marine Establishment theretofore called "the Bombay Marine," but then called "the Indian Navy;" and that by an Act passed in the 9th year of the Reign of King George the 4th, intituled "An Act to extend the provisions of the East India Mutiny Act to the Bombay Marine," reciting an Act of the 4th year of King George the Fourth, and that it was expedient that discipline should be enforced in the said Marine Establishment in the manner provided by the said Act of the 4th year of King George the Fourth in respect to the other Forces of the said Company, it is enacted that the provisions of the said Act of the 4th year of King George the Fourth and the Rules and Articles of War made and to be made by virtue thereof should extend and be applied to the service of "the Bombay Marine," and that all persons in the service of the said Company belonging to the said Bombay Marine who should be Commissioned or in pay as Officers, or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be to all intents and purposes liable to the provisions of the said Act of the 4th year of His Majesty King George the Fourth and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces, and reciting that it is expedient to provide other means for enforcing discipline in the said Marine Establishment called "the Indian Navy," it was amongst other things enacted that, for the

retaining the Forces of the said Establishment in their duty the Governor General of India in Council should have power to make Laws and Regulations for securing the observance of an exact discipline in the said service called "the Indian Navy," and for bringing to a more exemplary and speedy punishment than the usual forms of the Law will allow all Officers, Engineers, Soldiers, Marines, Seamen and all others belonging to the said Marine Establishment who should Mutiny, or stir up sedition, or should desert the said service, or should commit any other offence which in its nature would be cognizable by Court Martial under the now reciting Act, or which might be against good discipline in Naval Service in the same, in as full and ample manner, to all intents and purposes, as by virtue of the said Act passed in the Session held in the 3d and 4th years of the Reign of his late Majesty King William the Fourth, the said Governor General in Council then had power to make any Laws and Regulations whatsoever, anything in the said last mentioned Act, or any other Act or Acts to the contrary notwithstanding. And it was thereby provided and enacted, that in case the Court of Directors of the East India Company, under the control of the Board of Commissioners for the Affairs of India, should signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made by virtue of the now reciting Act, then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council should forthwith repeal all Laws and Regulations so disallowed. And it was also provided and enacted that all Laws and Regulations made as aforesaid, so long as they should remain unrepealed, should be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and should be taken notice of by all Courts of Justice whatsoever within the same Territories in the same manner as any public Act of Parliament would and ought to be taken notice of, and it should not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

And it was also provided and enacted, that it should not be lawful for the said Governor General in Council without the previous

sanction of the said Court of Directors, to make any Law or Regulation whereby power should be given to any Court other than the Courts of Justice established by the Charters of the Crown, to sentence to the punishment of death any of Her Majesty's natural born subjects born in Europe or the children of such subjects.

And it was also provided and enacted, that until the said Governor General in Council should have made Laws and Regulations for the good government of the said "Indian Navy," by virtue of the powers by the now reciting Act for that purpose given, all the provisions of the now reciting Act, and the Rules and Articles of War to be made by virtue thereof should extend and be applied to the said Marine Establishment called the "Indian Navy," and that all persons in the service of the said Company belonging to the said Indian Navy who should be Commissioned or in pay as Officers, or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be, to all intents and purposes, liable to the provisions of the now reciting Act, and to the same Rules and Articles of War, and the same penalties as the Officers and soldiers of the said Company's other Forces.

And whereas it is deemed expedient to place the Indian Navy under Articles and Orders as nearly similar as may be to those in force in Her Majesty's Navy, and the Court of Directors of the East India Company have given their previous sanction to the several Enactments hereinafter contained, and to all and singular the Laws and Regulations hereby made. Now it is therefore hereby enacted, that from and after the First day of October 1844, the Articles and Orders hereinafter following, as well in time of Peace as in time of War, shall be duly observed and put in execution in manner hereinafter mentioned.

1. All Captains, Commanders, and Officers, in or belonging to any of the East India Company's Ships or Vessels of War shall cause the public Worship of Almighty God, according to the Liturgy of the Church of England established by Law to be solemnly, orderly and reverently performed in their respective Ships, and shall take care that Prayers and Preaching be performed diligently, and that the Lord's Day be observed according to Law.

2. All Officers, Engineers, Soldiers, Marines, Seamen and others belonging to the Indian Navy, being guilty of profane Oaths, Curs-

ing, Execrations, Drunkenness, Uncleanness or other Scandalous Actions, in derogation of God's honor and corruption of good manners shall incur such punishment as a Court Martial shall think fit to impose, and as the nature and degree of their offence shall deserve.

3. If any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy shall give, hold or entertain intelligence to or with any Enemy or Rebel without leave from the Queen's Majesty, or the Governor General in Council, or the Governor in Council of the Presidency under which they serve, or persons duly authorized, Commander in Chief or his Commanding Officer, every such person so offending and being thereof convicted by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence may deserve, or the Court Martial shall impose.

4. If any Letter or Message from any Enemy or Rebel be conveyed to any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy, and the said Officer, Engineer, Soldier, Marine, Seaman or other person as aforesaid shall not within twelve hours, having opportunity so to do, acquint his Superior Officer, or the Officer Commanding in Chief with it, or if any Superior Officer belonging to the Indian Navy being acquinted therewith shall not in convenient time reveal the same to the Officer Commanding in Chief the Squadron, every such person so offending and being convicted thereof by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

5. All Spies and all persons whatsoever who shall come or be found in the nature of Spies within the Territories under the Government of the East India Company to bring or deliver any seducing Letters or Messages from any Enemy or Rebel, or endeavour to corrupt any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy to betray his trust, being convicted of any such offence by the sentence of a Court Martial, shall be punished with death, or shall suffer such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

6. No person belonging to the Indian Navy shall relieve an Enemy or Rebel, with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as a Court Martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

7. All the Papers, Charter Parties, Bills of Lading, Passports and other writings whatsoever that shall be taken, seized or found aboard any Ship or Vessel which shall be surprised or taken as Prize shall be duly preserved, and the very originals shall, by the Commanding Officer of the Ship or Vessel which shall take such Prize, be sent entirely and without fraud to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether such Prize be lawful capture, there to be viewed, made use of, and proceeded upon according to Law, upon pain that every person offending therein shall forfeit and lose all share of the capture, and shall suffer such further punishment as the nature and degree of his offence shall be found to deserve and the Court Martial shall impose.

8. No person in or belonging to the Indian Navy shall take out of any Prize, or Ship or Vessel seized for Prize, any Money, Plate or Goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of Her Majesty's Ships or Vessels of War, or of any of the Ships or Vessels of the Indian Navy, before the same be adjudged lawful Prize in some Admiralty or other competent Court, but the full and entire account of the whole without embezzlement shall be brought in and judgment passed entirely upon the whole without fraud, and upon pain that every person offending herein shall forfeit and lose all share of the capture, and suffer such further punishment as shall be imposed by a Court Martial, or such Court of Admiralty according to the nature and degree of the offence.

9. If any Ship or Vessel shall be taken as Prize, none of the Officers, Mariners or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten or evil treated, upon pain that the person or persons so offending shall be liable to such punishment as a Court Martial shall think fit to inflict.

10. Every Superior Officer belonging to the Indian Navy, who

upon signal order of fight, or sight of any Ship or Vessel which it may be his duty to engage, or who upon likelihood of engagement shall not make the necessary preparations for fight, and shall not in his own person and according to his place encourage the inferior Officers and men to fight courageously, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve; and if any person belonging to the Indian Navy shall treacherously or cowardly yield or cry for quarter, any person so offending and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

11. Every person belonging to the Indian Navy who shall not duly observe the orders of the Officer Commanding in Chief the Squadron or Division, or other his superior Officer, for assailing, joining battle with, or making defence against any Fleet, Squadron, or Ship or Vessel, or shall not obey the orders of his superior Officer as aforesaid in time of action to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

12. Every person belonging to the Indian Navy who, through cowardice, negligence or disaffection shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every Ship and Vessel which it shall be his duty to engage, and to assist and relieve all and every the Ships and Vessels of Her Majesty and of the East India Company, or of Her Majesty's or the said Company's Allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to desereve.

13. Every person belonging to the Indian Navy who, through cowardice, negligence or disaffection shall forbear to pursue the chase of any Enemy, Pirate or Rebel, beaten or flying, or shall

not relieve or assist a known friend in view to the utmost of his power, being convicted of such offence by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

14. If when action or any service shall be commanded, any person belonging to the Indian Navy shall presume to delay or discourage the said action or service upon pretence of arrears of wages, or upon any pretence whatsoever, every person so offending, being convicted thereof by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

15. Every person in or belonging to the Indian Navy who shall desert to any Enemy, Pirate or Rebel, or run away with any of the Ships or Vessels of War of Her Majesty or of the East India Company, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously to any Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

16. Every person belonging to the Indian Navy who shall desert or entice others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall deserve and a Court Martial shall judge fit; and if any Commanding Officer of any of the East India Company's Ships or Vessels of War shall receive or entertain a deserter from any other Ship or Vessel of Her Majesty or of the East India Company, after discovering him to be such deserter, and shall not with all convenient speed give notice to the Captain of the Ship or Vessel to which such deserter belongs; or if the said Ships or Vessels are at any considerable distance from each other, to the Government or to the Officer Commanding in Chief, every person so offending, and being convicted thereof by the sentence of a Court Martial, shall be cashiered.

17. The Officers and Seamen of all Ships or Vessels belonging to the Indian Navy, appointed for Convoy and Guard of Merchant Ships or Vessels, or of any other, shall diligently attend upon that

charge without delay according to their instructions in that behalf, and whosoever shall be faulty therein, and shall not faithfully perform their duty and defend the Ships, Vessels and Goods in their convoy without either diverting to other parts, or occasions, or refusing or neglecting to fight in their defence, if they be assailed, or running away cowardly and submitting the Ships in their Convoy to peril and hazard, or shall demand or exact any money or other reward from any Merchant or Master for convoying of any Ships or Vessels entrusted to their care, or shall misuse the Masters or Mariners thereof, shall be condemned to make reparation of the damage to the Merchants, Owners, and others, as the Court of Admiralty or other competent Court shall judge; and also be punished criminally according to the quality of their offences, be it by pains of death, or other punishment, according as shall be adjudged fit by a Court Martial.

18. If any Captain, Commander or other Officer of any of the Ships or Vessels of the Indian Navy shall receive on board, or permit to be received on board such Ship or Vessel any Goods or Merchandizes whatsoever, other than for the sole-use of the Ship or Vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be Shipwrecked either on the High Seas, or in any Port, Creek or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any time be ordered to take or receive on board by order of any competent authority, every person so offending being convicted thereof by the sentence of a Court Martial shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the Naval Service of the East India Company.

19. If any person belonging to the Indian Navy shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, or shall utter any words of sedition or mutiny, he shall suffer death or such other punishment as a Court Martial shall deem him to deserve; and if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall behave himself with contempt to his Superior Officer, such Superior Officer being in the execution of his Office, he shall suffer such punishment according to the nature of his offence as a Court Martial shall deem him to deserve.

20. If any person belonging to the Indian Navy shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a Court Martial, he shall suffer death, or such other punishment as a Court Martial shall think fit; and if any person belonging to the Indian Navy shall conceal any traitorous or mutinous words spoken by any to the prejudice of Her Majesty, or any words, practice or design tending to the hindrance of the service, and shall not forthwith reveal the same to the Commanding Officer, or being present at any mutiny or sedition shall not use his utmost endeavours to suppress the same, he shall be punished as a Court Martial shall think he deserves.

21. If any person belonging to the Indian Navy shall find cause for complaint of the unwholesomeness of the victuals or upon other just ground he shall quietly make the same known to his Superior Officer, or Captain, or Commander in Chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said Superior Officer, Captain or Commander in Chief shall, as far as he is able, cause the same to be presently remedied, and no person belonging to the Indian Navy upon any such or any other pretence shall attempt to stir up any disturbance upon pain of such punishment as a Court Martial shall think fit to inflict according to the degree of the offence.

22. If any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall strike any of his superior Officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever; or if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall presume to quarrel with any of his Superior Officers, being in the execution of his office, or shall disobey any lawful command of any of his Superior Officers, every such person being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as shall according to the nature and degree of his offence be inflicted upon him by the sentence of a Court Martial.

23. If any person belonging to the Indian Navy shall quarrel or fight with any other person therein, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall upon being convicted thereof suffer such

punishment as the offence shall deserve and a Court Martial shall impose.

24. There shall be no embezzlement nor wasteful expense of any Powder, Shot, Ammunition, or other Stores. But the Stores and Provisions shall be carefully preserved upon pain of such punishment as shall be by a Court Martial found just in that behalf.

25. Every person belonging to the Indian Navy who shall unlawfully burn or set fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy or Vessel, or tackle or furniture thereunto belonging, not then appertaining to an Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial, shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

26. Care shall be taken in the conducting and steering of any of the Ships or Vessels of the Indian Navy, that through wilfulness, negligence or other defaults no Ship or Vessel be stranded or run upon any rocks, or sands, or split, or hazarded, upon pain that such as shall be found guilty therein be punished by death or such other punishment as the offence by a Court Martial shall be judged to deserve.

27. No person belonging to the Indian Navy shall sleep. upon his watch, or negligently perform the duty imposed on him, or forsake his station upon pain of death, or such other punishment as a Court Martial shall think fit to impose and as the circumstances of the case shall require.

28. All murders committed by any person belonging to the Indian Navy shall be punished with death by the sentence of a Court Martial.

29. If any person belonging to the Indian Navy shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death, or such other punishment as the offence by a Court Martial shall be judged to deserve.

30. All robbery committed by any person belonging to the Indian Navy shall be punished with death or otherwise as a Court Martial upon consideration of circumstances shall find meet.

31. Every Officer or other person belonging to the Indian Navy

who shall knowingly make signs or a false muster or muster book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a Court Martial, be cashiered.

32. No person belonging to the Indian Navy being duly authorized so to do shall refuse to apprehend any Criminal whom he shall be authorized by legal Warrant to apprehend, or to receive or keep any prisoner committed to his charge or wilfully suffer him to escape, being once in his custody, or dismiss him without lawful order, upon pain of such punishment as a Court Martial shall deem him to deserve; and all Captains, Officers and others belonging to the Indian Navy shall do their endeavour to detect, apprehend and bring to punishment all offenders, and shall assist the Officers appointed for that purpose therein upon pain of being proceeded against and punished by a Court Martial according to the nature and degree of the offence.

33. If any Superior Officer, Captain or Commander, or Lieutenant belonging to the Indian Navy shall be convicted before a Court Martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming the character of an Officer, he shall be dismissed from the Indian Navy, or suffer such other punishment as a Court Martial shall deem him to deserve.

34. Every person belonging to the Indian Navy, being in actual service and full pay, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful command in any part of the Territories under the Government of the East India Company, on shore, when in actual service relative to the Indian Navy, shall be liable to be tried by a Court Martial, and suffer the like punishment for every offence as if the same had been committed at Sea on board any Ships or Vessels of the Indian Navy.

35. If any person belonging to the Indian Navy, who shall be in actual service and full pay, shall commit upon the shore in any place or places out of the Territories under the Government of the East India Company, any of the crimes punishable by these Articles and Orders, the person so offending shall be liable to be tried and punished for the same in like manner to all intents and purposes as if the said Crimes had been committed at Sea on board any of the Ships or Vessels of the Indian Navy.

II. Provided always, that no person convicted of any offence, shall by the sentence of any Court Martial, to be held by virtue of this Act, be adjudged to be imprisoned for a longer term than the space of two years.

III. Provided also, that nothing in this Act contained shall extend, or be construed to extend to empower any Court Martial, to be constituted by virtue of this Act, to proceed to the punishment or trial of any of the offences specified in the several Articles contained in this Act, or of any offence whatsoever (other than the offences specified in the 5th, 34th and 35th of the foregoing Articles and Orders), which shall not be committed upon the Main Sea or in Great Rivers only beneath the Bridges of the said Rivers nigh to the Sea or any Haven, River, or Creek within the jurisdiction of the Admiralty, and which shall not be committed by such person as at the time of the offence committed shall be in actual service and full pay in the Indian Navy, such persons only excepted, and for such offences only as are described in the 5th of the foregoing Articles and Orders.

IV. Provided also, that nothing in this Act contained shall extend or be construed to extend to empower any Court Martial to be constituted by virtue of this Act, to proceed to the punishment or trial of any Land Officer or Soldier, on board any Transport Ship, for any of the offences specified in the several Articles contained in this Act.

V. And it is hereby further enacted, that the Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority to grant Commissions to any Officer Commanding in Chief, any Fleet or Squadron of Ships or Vessels of War, to call and assemble Courts Martial, consisting of Captains, Commanders and Lieutenants; and that in case any Officer Commanding in Chief any Fleet or Squadron of Ships or Vessels of War, (who shall be authorized by the Governor General or Governor in Council for the time being, to call and assemble Courts Martial in Foreign parts) shall happen to die, or be recalled or removed from his command, then the Officer upon whom the command of the said Fleet or Squadron shall devolve, not under the rank of Commander, and so from time to time the Officer not under the rank of Commander, who shall have

the command of the said Fleet or Squadron, shall have the same power to call and assemble Courts Martial as the first Commander in Chief of the said Fleet or Squadron was invested with.

VI. Provided always, and it is hereby enacted, that no Commander in Chief of any Fleet or Squadron of the Indian Navy or Detachment thereof, consisting of more than five Ships or Vessels, shall preside at any Court Martial, but that the Officer next in command to such Officer Commanding in Chief shall hold such Court Martial and preside thereat, any Law, Custom or Usage to the contrary notwithstanding.

VII. And it is hereby further enacted, that if any three or more of the Ships or Vessels of the Indian Navy shall happen to meet together in Foreign parts, then and in such case it shall be lawful for the Senior Officer of the said Ships or Vessels, not under the rank of Commander, to hold Courts Martial and preside thereat from time to time as there shall be occasion, during so long time as the said Ships or Vessels of the Indian Navy, or any three or more of them shall continue together.

VIII. Provided nevertheless and it is also enacted, that where any material objection occurs which may render it improper for the person who is next in command to the Senior Officer or Commander in Chief of any Fleet or Squadron of the Ships of the Indian Navy in Foreign parts, to hold Courts Martial or preside thereat, in such case it shall be lawful for the said Governor General or Governor in Council, as also the Commander in Chief of any such Squadron of the Ships or Vessels of the Indian Navy in Foreign parts respectively, to appoint the third Officer in Command to preside at or hold such Court Martial.

IX. And it is hereby further enacted, that no Court Martial to be held or appointed by virtue of this present Act, shall consist of more than thirteen or less than five persons, to be composed of such Superior Officers, Captains, Commanders or Lieutenants, then and there present as are next in seniority to the Officer who presides at the Court Martial, such Lieutenants not to exceed two-fifths of the whole Court. Provided always and it is hereby enacted, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Governor General, or Governor

in Council, (as the case may be) or any Officer empowered to order or hold Courts Martial to direct or ascertain the particular number of persons of which any Court Martial to be held or appointed by virtue of this Act shall consist.

X. And it is hereby further enacted, that upon all trials of offenders by any Court Martial all the Officers present, who are to constitute the said Court Martial, shall, before they proceed to such trial, take such oath as is hereinafter mentioned upon the Holy Evangelists before the Court, which oath the Judge Advocate or his Deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say)—

I, A B., do swear that I will administer justice according to the Articles and Orders established by an Act passed for the better securing the observance of an exact Discipline in the Indian Navy, without partiality, favor or affection, and if any case shall arise which is not particularly mentioned in the said Articles and Orders, I will duly administer justice according to my conscience and the best of my understanding. And I do further swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial, unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

And so soon as the said oath shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, an oath in the following words :—

I, A. B., do swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial, unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

XI. And it is hereby further enacted, that in case any person in the Indian Navy being called upon to give evidence at any Court Martial shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the Court, it shall and may be lawful for such Court Martial to punish every

such offender by imprisonment at the discretion of the Court; such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt, and that all and every person and persons who shall commit any wilful perjury in any evidence or examination upon oath at any such Court Martial, or who shall corruptly procure or suborn any person to commit such wilful perjury shall and may be prosecuted in Her Majesty's Courts by Indictment or Information, and every issue joined in any such Indictment or Information shall be tried according to the Laws in force in such cases.

XII. And it is further enacted, that in every Information or Indictment to be prosecuted by virtue of this Act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant without setting forth the Commission or Authority for holding the Court Martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such Court.

XIII. And it is hereby further enacted, that no sentence of death given by any Court Martial shall be put in execution till after the report of the proceedings of the said Court shall have been made to the said Governor General in Council and his directions shall have been given therein.

XIV. And it is further enacted, that the Judge Advocate for the time being or his Deputy, shall have full power and authority, and is hereby required to administer an oath to any witness at any trial by Court Martial, and in the absence of the Judge Advocate and his Deputy the Court Martial shall have full power and authority to appoint any person to execute the Office of Judge Advocate.

XV. And it is further enacted, that all the powers given by the several Articles and Orders established by this Act shall remain and be in full force with respect to the Crews of such of the Ships or Vessels of the Indian Navy as shall be wrecked, or be otherwise lost or destroyed, and all the command, power and authority of the Officers of the said Ships or Vessels shall remain and be in full force as effectually as if such Ships or Vessels to which they did belong were not so wrecked, lost or destroyed until they shall be regularly discharged from the East India Company's further service,

or removed into some other of the Ships or Vessels of the Indian Navy, or until a Court Martial shall be held to enquire into the causes of the loss of the said Ships or Vessels; and if upon such enquiry it shall appear by the sentence of the Court Martial that all or any of the Officers or Seamen of the said Ships or Vessels did their utmost to preserve, get off or recover the same, and since the loss thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, then all the pay and wages of the said Officers and Seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on and be paid to the time of their discharge or death, or if they shall be then alive to the time of the holding of such Court Martial, or removal into some other of the Ships or Vessels of the Indian Navy, and every such Officer and Seaman of the Ships or Vessels of the Indian Navy who, after the wreck or loss of his Ship or Vessel, shall act contrary to the Discipline of the Indian Navy, and the several Articles or Orders hereinbefore established, or any of them, shall be sentenced by the said Court Martial and punished as if the Ship or Vessel to which he did belong was not so wrecked, lost or destroyed.

XVI. And it is further enacted, that all the pay and wages of such Officers and Seamen of any of the Ships or Vessels of the Indian Navy as are taken by the Enemy, who upon enquiry at a Court Martial shall appear, by the sentence of the said Court, to have done the utmost to defend the said Ships or Vessels, and since the taking thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, shall continue and go on and be paid from the time of their being so taken to the time of the holding of such Court Martial, or until they shall be regularly discharged from the East India Company's service or removed into some other of the Ships or Vessels of the Indian Navy, or if they shall die in captivity or not live to the time of the holding of such Court Martial, to the time of their death, in such manner and not otherwise, as if the said Ships or Vessels to which they did belong respectively were not so taken.

XVII. Provided always, and it is further enacted, that no per-

son or persons not flying from justice shall be tried or punished by any Court Martial for any offence to be committed against this Act, unless the complaint of such offence be made in Writing to the Governor General in Council or Governor in Council or some Officer empowered to order a Court Martial, or unless a Court Martial to try such offender shall be ordered by the said Governor General or Governor in Council, or such Officer either within three years after such offence shall be committed, or within one year after the return of the Ship or Vessel or of the Squadron to which such offender shall belong into any of the Ports in the East Indies, or within one year after the return of such offender into the East Indies.

XVIII. Provided always that nothing in this Act contained shall extend or be construed to extend to take away from the Lord High Admiral of Great Britain, or the Commisioners for executing the Office of the Lord High Admiral of Great Britain, or any Vice Admiral, or any Judge or Judges of the Admiralty, or his or their Deputy or Deputies, or any other Officers or Ministers of the Admiralty, or any others having or claiming any Admiralty power, jurisdiction or authority within any of the Queen's Dominions, or from any person or Court whatsoever, any power, right, jurisdiction, pre-eminence or authority which he or they or any of them lawfully hath, have or had, or ought to have or enjoy before the making of this Act, so as the same person shall not be punished twice for the same offence.

XIX. And it is further enacted, that the proceedings of any Court Martial shall not be delayed by the absence of any of its Members, provided a sufficient number doth remain to compose such Court, which shall and is hereby required to sit from day to day, (Sundays always excepted,) until the sentence be given, anything hereinbefore contained to the contrary thereof in any wise notwithstanding ; and no Member of the said Court Martial shall absent himself from the said Court during the whole course of the trial upon pain of being cashiered from the East India Company's Service, except in case of sickness, other extraordinary and indispensable occasion to be judged of by the said Court.

COINAGE.—TRISOOLEE PYCE.

ACT No. XIII. OF 1844.

[*Passed on the* 15*th June*, 1844.

1, 2, 3 *and* 4. *Trisoolee Pyce struck for Benares under specified Regulations to cease to be a legal tender: but* (2) *shall be received on account of Government and exchanged for Company's Pyce, at* (3) *places to be appointed by Lieutenant Governor, who* (4) *may order one Rupee to be given for* 64 *Pyce.*

An Act for making Trisoolee Pyce no longer a legal tender within the province of Benares, and for their withdrawal from circulation.

I. It is hereby enacted, that from and after the First day of August, 1844, the Trisoolee Pyce struck for the Province of Benares, under the Provisions of Regulations X. of 1809 and VII. of 1814, and at the Saugor Mint, shall cease to be a legal tender within the Province of Benares.

II. And it is hereby enacted, that until the said First day of August, 1844, such Trisoolee Pyce shall be received on account of the Government and shall be exchanged by tale (that is to say, every Trisoolee Pyce paid in shall be received as one Company's Pyce, and one Company's Pyce shall be given for every Trisoolee Pyce, presented for exchange) at such Treasuries or other places, within the Province of Benares, as shall be pointed out for that purpose in any Proclamation of the Lieutenant Governor of the North Western Provinces.

III. And it is hereby enacted, that immediately after the passing of this Act, the said Lieutenant Governor shall issue a Proclamation pointing out the Treasuries or other places within the Province of Benares at which such Trisoolee Pyce shall be so received and exchanged as aforesaid, and notifying any Regulations respecting such receipt or exchange as the said Lieutenant Governor may deem it expedient to establish for the carrying into effect of the same, for the prevention of fraud therein, and especially for the rejection of such Trisoolee Pyce as may appear to the officer appointed to receive or exchange the same under this Act to be undoubtedly spurious.

IV. And it is hereby enacted, that it shall be lawful for the

said Lieutenant Governor if he shall see fit, to order that in any case one Company's Rupee shall be given for every 64 Trisoolee Pyce so presented for exchange, and that in every such case one Company's Rupee shall be given for every 64 Trisoolee Pyce accordingly.

TRANSPORTATION FOR LIFE.

ACT No. XIV. OF 1844.

[*Passed on the 6th July,* 1844.

1. *Prisoners sentenced by Sudder to imprisonment for life shall be sentenced at same time to transportation, except in specified cases.*

2. *Sudder Judge may sentence to transportation prisoner sentenced by Commissioner of Circuit, &c. to imprisonment for life.*

An Act for regulating the Proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay and at Agra, in regard to Sentences of transportation for life.

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company, whenever any of the Sudder Courts shall sentence any offender to imprisonment for life, it shall at the same time sentence such offender to transportation beyond Sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

II. And it is hereby enacted, that within the said Territories whenever any offender shall have been sentenced in the first instance by a Commissioner of Circuit or Sessions Judge to imprisonment for life, or whenever a Commissioner of Circuit or Sessions Judge shall have recommended that sentence of imprisonment for life be passed upon any offender, it shall be competent to a single judge of the Sudder Court to sentence such offender at the same time to transportation beyond Sea for life, and such single judge is hereby directed to sentence such offender at the same time to transportation beyond Sea for life unless there should be special reasons inducing him to think such offender not a proper subject for transportation, which special reasons he is hereby further directed to record.

CUSTOMS DUTIES.

ACT No. XV. OF 1844.

[*Passed on the 6th July,* 1844.

Extends to manufactures of mixed materials the rate of duty imposed by Customs Acts on Cotton and Silk Goods.

An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844.

Whereas by Article 17 of Schedule A. annexed to Act No. XIV. of 1836, by Article 18 of Schedule A. annexed to Act No. I. of 1838, and by Article 19 of Schedule A. annexed to Act No. VI. of 1844, certain rates of Duty are to be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Bombay and Madras, of Cotton and Silk Piece Goods, the produce of any place other than the United Kingdom or any British Possession. And whereas it is expedient that the same rates of Duties should be charged on other Foreign Goods of a like description—

It is hereby enacted, that from and after the first day of January, 1845, the rates of Duty prescribed for the said Articles by the said Schedules, shall be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Madras and Bombay, of all manufacture of Silk or Cotton, and of Silk and Cotton mixed with any other material, which are the produce of any place other than the United Kingdom or any British Possession, and of all foreign made up Articles of the said manufactures, or of which any part of the materials is of the said manufactures.

BOMBAY.—SALT DUTIES.

ACT NO. XVI. OF 1844.

[*Passed on the 27th July,* 1844.

1. *Repeals Section* 1. *Act* 27. 1837.
2. *Salt Duty at Government Salt Works to be One Rupee per Maund.*
3. *Repeals Section* 43, *Act* I, 1838.
4. *The Exporter of Salt which has paid the excise duty entitled to a Certi-*

ficate from the Collector of Customs, and shall pass into the interior under the usual passes, free of other duty.

5. *Repeals specified parts of Schedules A. and B. Act* 1, 1838.

6. *The import duty on Salt in the Bombay Presidency shall be One Rupee per maund, and Salt on which that duty has been paid may be re-exported free of duty.*

An Act for increasing the Excise and Import Duties heretofore payable to the Government on Salt manufactured within or imported into the Territories subject to the Government of the Presidency of Bombay.

Whereas by Act VI. of 1844 all Inland, Transit and Town Duties levied on behalf of the Government of the East India Company, within the limits of the Territories subordinate to the Presidency of Fort St. George were abolished, and the impost on Salt manufactured and sold within the said territories was raised to a rate more in accordance with the Tax on the same article borne by other Divisions of the British Possessions: and whereas, although enquiries which have been instituted as to the origin and extent of certain Town duties and local cesses within the Presidency of Bombay with a view to their abolition have not yet been completed, it is nevertheless expedient, in order to equalize the average prices of Salt within the Presidencies of Fort St. George and Bombay, to increase as well the Customs duty on imported Salt as the Excise duty heretofore and at present payable on Salt that may be delivered from any Salt Work within the territories subject to the Government of the Presidency of Bombay.

I. It is hereby enacted, that from the First day of September, 1844, Sect. I, of Act XXVII. of 1837, shall be repealed.

II. And it is hereby enacted, that from the First day of September, 1844, there shall be paid to the Governor on every Maund of 3,200 Tolas weight of Salt that may be delivered from any Salt Work within the Territories subject to the Government of the Presidency of Bombay a duty of One Company's Rupee.

III. And it is hereby enacted that Sec. 43. Act. I. of 1838 shall be repealed.

IV. And it is hereby enacted, that on application by the Exporter from any Port of the Presidency of Bombay of any Salt that has paid the Excise duty fixed by Sect. 2. of this Act, a

Certificate shall be granted by the Collector of Customs at the place of Exports, under authority of which Certificate the quantity of Salt specified therein shall be landed at any other Port of the said Presidency of Bombay, and shall be passed from such Port into the interior under cover of the passes applicable to the free passage of Salt without the levy of any further duty either of Excise or Customs.

V. And it is hereby enacted, that so much of Schedule A appended to Act I. of 1838 as provides that on Salt imported by Sea into any Port of the Presidency of Bombay and not covered by a Pass, there shall be levied a duty of Eight Annas per maund of 80 tolas per seer, and so much of Schedule B appended to Act I. of 1838 as provides that Salt having paid the Excise duty of Eight Annas a maund shall be permitted to be exported free of duty from any Port or place in the Presidency of Bombay, shall be repealed.

VI. And it is hereby enacted, that on Salt imported by Sea into any Port of the Presidency of Bombay, and not covered by a Pass, there shall be levied a duty of One Company's Rupee per maund of 3,200 Tolas weight, and that Salt having paid the Excise duty of One Company's Rupee per maund shall be permitted to be exported free from further duty from any Port of the Presidency of Bombay.

BOMBAY.—REVENUE.

ACT No. XVII. OF 1844.

[*Passed 10th August*, 1844.

1. *Vests the administration of Police, &c. in lapsed territories in Agent of Government.*
2. *Governor in Council may make rules for guidance of Agent.*
3. *Fouzdaree Adawlut to pass final sentence.*
4. *Sudder Adawlut to try Appeals from Agent in usual manner.*
5. *Lapsed territories to be governed under same laws as contiguous lands.*

An Act for the Administration of Justice and Collection of the Revenue in the Territory which formed the State of Colaba, and which has lapsed to the British Government.

I. It is hereby enacted, that from and after the First day of October, 1844, the Administration of Civil and Criminal Justice,

the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within that portion of the lapsed Territory of Colaba, which is bounded on the East by the Nagotna River, and the Talookas of Sunkse and Rujpooree, on the South by the Rewodunda River, on the West by the Sea, including the Islands of Colaba, Oonderee and Khandereree, (Henery and Kenery) and on the North by the Harbour of Bombay, shall vest in such Agent to the Governor of the Presidency of Bombay as shall be appointed by the Governor in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay, by an Order in Council, to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil Suits shall be final, and in what Suits an Appeal shall lie to the Sudder Udalut, and to define the authority to be exercised by the Agent in Criminal Trials, and what cases he shall submit to the decision of the Foujdaree Udalut.

III. And it is hereby enacted, that upon the receipt of any Criminal Trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Udalut shall proceed to pass a final judgment or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner, as if the trial had been sent up in ordinary course from a Sessions Judge.

IV. And it is hereby enacted, that upon the receipt of any Appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Udalut shall proceed to try and determine it in the same manner as Appeals from the Zillah Courts.

V. And it is hereby enacted, that each of the portions of the lapsed Territory of Colaba not included within the boundaries specified in Section I. of this Act, shall be subject to the same Laws and Regulations, and shall be governed in all respects in the

same manner as the portions of the Territories subject to the Government of Bombay, by which such portions of the said lapsed Territory may be respectively surrounded, or to which such portions of the said lapsed Territory may be respectively contiguous.

BENGAL.--JAILS.

ACT No. XVIII. OF 1844.

[*Passed on the 7th September*, 1844.

1. *Repeals all former Regulations and Acts respecting the control of jails.*
2. *Vests the control of jails in the Magistrates and Joint-Magistrates.*

An Act for the better control and management of Jails within the Bengal Presidency.

I. It is hereby enacted, that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the Judges of Circuit, the Commissioners of Circuit, the Superintendents of Police and the Sudder Nizamut Adawlut, with control and superintendence over the several Jails of the Presidency of Fort William in Bengal, the Prisoners confiend in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, is repealed.

II. And it is hereby enacted, that the whole of the said control and superintendence shall be vested in the Magistrates and Joint Magistrates, acting under the instructions of the Zillah and City Judges, and that the Magistrates, Joint Magistrates and Zillah and City Judges, shall be guided in regard to all matters relating to the Jails under their charge, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, by such orders as they may receive from their respective Local Governments.

BOMBAY.—TAXES.

ACT No. XIX. OF 1844.

[*Passed* 14*th September*, 1844.

Abolishes all taxes on trades and professions.

An Act for abolishing Town Duties and Mookauts, and all Taxes upon Trades and Professions within the Presidency of Bombay.

It is hereby enacted, that from the 1st day of October, 1844, all Town Duties, Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on trades or professions under whatsoever name levied within the Presidency of Bombay, and not forming a part of the Land Revenue, shall be abolished.

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(Also including the Straits' Settlements, the Tenasserim and N. W. Provinces.)

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„	R.	15,	partially	„	14, 1836.
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(*a*) Since this Index went to press, S. 1 of Act 27, 1837, and S. 43 of Act 1, 1838, have been repealed by Act 16, 1844.

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(*a*) Some of the Regulations repealed by this Act have been again repealed by others, but I have not thought it necessary to notice these in the Index.

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